

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

**Eighty-second Session  
April 20, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 5:05 p.m. on Thursday, April 20, 2023, in Room 2144 of the Legislative Building, Carson City, 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 Julie Pazina, Chair  
Senator Melanie Scheible, Vice Chair  
Senator Edgar Flores  
Senator Pete Goicoechea  
Senator Ira Hansen

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Erin Sturdivant, Counsel  
Cherie Dittler, Committee Secretary

**OTHERS PRESENT:**

Laurel Saito, Strategy Director, The Nature Conservancy, Nevada Chapter  
Jaina Moan, External Affairs Director, The Nature Conservancy, Nevada Chapter  
Adam Sullivan, State Engineer, Division of Water Resources, Nevada  
Department of Conservation and Natural Resources  
Alex Tanchek, Pyramid Lake Tribe, Duckwater Shoshone Tribe  
Jennifer Lanahan, Las Vegas Paiute Tribe; Reno-Sparks Indian Colony

**CHAIR PAZINA:**

The Senate Committee on Natural Resources will come to order. We have a presentation from The Nature Conservancy. Also, a special shout-out to our Committee Manager Cameron McClimans who just became a Nevada resident today. Congratulations Cameron.

LAUREL SAITO (Strategy Director, The Nature Conservancy, Nevada Chapter):

I have provided a visual presentation ([Exhibit C](#)) which describes the "Smart from the Start" energy planning program and the Resilient Waters Initiative. The Nature Conservancy is an international organization founded in 1951 by a small group of scientists. Our purpose is to save threatened areas by taking direct action.

Our mission is to conserve the lands and waters on which all life depends. Our vision seeks an environment where the diversity of life thrives, and people act to conserve nature for its own sake and its ability to fulfill our needs and enrich our lives. The Conservancy recognizes that people are responsible for conserving nature, so we search for solutions that benefit both people and nature. We are an international organization, with chapters in all 50 states and many countries. Many of our chapters are autonomous, and work toward the organization's mission within the context of their culture and the pressing issues of their own local areas.

The Nevada chapter was established in the 1980s, as a satellite to the Utah chapter. We helped establish the Ash Meadows National Wildlife Refuge, now managed by the U.S. Fish and Wildlife Service. In the 1990s, the Conservancy helped pass a Nevada conservation bond initiative that raised millions of dollars for Nevada conservation projects. We also acquired desert land to protect the desert tortoise habitat, and 625 acres on the Amargosa River in southern Nevada to protect the Amargosa toad, an endangered amphibian.

In the 2000s, the Conservancy acquired River Fork Ranch, located at the confluence of the East Fork and West Fork of the Carson River. In 2006, we initiated a large-scale river restoration project at McCarran Ranch on the Truckee River. The restorations were aimed at connecting the river to the floodplain to provide wildlife habitat and improve the resiliency of the riparian ecosystem. We have since restored over ten miles of the River.

Since 2014, the Conservancy has been working with several mining companies and land managers on landscape management projects to support the sage grouse and the State's economy.

In 2019, the Conservancy again helped pass a Statewide conservation bond initiative in Nevada and acquired the 7J Ranch at the headwaters of the Amargosa River. The Conservancy currently has 25 employees with most of

them working in Reno and Las Vegas, although a few staff members work directly on properties we own.

The Conservancy is focused on three initiatives. The Resilient Lands Initiative aims to protect, restore and manage a network of conservation projects that are compatible for public and private land use. The Initiative supports biodiversity and adaptation that benefits both people and nature.

The Resilient Waters Initiative aims to ensure water security for freshwater systems and focuses on protecting future generations of plants, wildlife and people.

The Climate Action Initiative aims to demonstrate solutions that benefit the environment and climate responsibility while benefiting economic prosperity.

All of these initiatives are interconnected, and employees of the multiple Conservancy chapters collaborate on projects that incorporate these initiatives. I will first discuss the Resilient Waters Initiative.

Nevada is the driest State in the Nation. Even though we have so little water, Nevada still ranks 11th in biodiversity among all states, and sixth among all states in the quantity of endemic species found only in Nevada. The Ash Meadows National Wildlife Refuge has the highest concentration of endemic species in the United States. As you might expect, if water is scarce, a large percentage of these species are associated with wet places. If Nevada has this much biodiversity and people, and all of them need water, where does the water come from when we are the driest State in the nation?

Nevada experiences cycles of floods followed by drought. We are fortunate to maintain underlying groundwater aquifers that provide a buffer for droughts and climate change and support groundwater-dependent ecosystems (GDE). These ecosystems rely on groundwater to maintain their ecological structure and function. Nevada is rife with groundwater-fed springs, lakes, rivers, wetlands and caves. Our upland systems are often supported by groundwater plants called phreatophytes containing roots that tap into groundwater.

Groundwater-dependent ecosystems—including wetlands and springs—may not appear to be a large footprint on the landscape, but they have great importance in our arid region, economically, ecologically and culturally.

The Las Vegas Springs were the initial source of the water supply in Las Vegas, and water spouted out as if there was an endless supply, but the Springs dried up in the 1960s when the groundwater was depleted. Groundwater-dependent ecosystems provide our water supply, water storage and purification and provide recreational and economic benefits. Many are considered sacred to indigenous peoples. They also provide habitats for many species, including those that are rare and endemic to Nevada. Groundwater-dependent ecosystems are a big part of Nevada's water picture.

The Conservancy is concerned with Nevada's water resiliency, ecosystems and limited groundwater and surface water. These things are interconnected; if we overuse one, it can affect the other areas and vice versa. Many of our plants and wildlife have adapted to these interconnected dynamics and can be stressed as surface and groundwater availability changes. Although many species in Nevada have adapted to the limited water environment, they still need water.

Aquatic species like fish, snails and amphibians can be extirpated if habitats lose water, the water temperatures rise, or if water becomes contaminated. Our species have also adapted to the timing and seasonality of waterflow or water table fluctuations, so if the timing of these cues are changed, it can upset the ability of plants and animals to adapt for survival.

Our upland plant species can also be affected when the groundwater water table drops too low, as their root systems can no longer access water. These plant roots provide important habitat for many other plants and animals and can transition to a more fire prone species if they lose access to groundwater.

The Conservancy has developed a sustainable water strategy. By determining where we can make a difference, we can move the interconnected mechanisms in a more resilient direction. The Conservancy has implemented collaborative science to better address groundwater and GDEs and collaborates on water policy to ensure that water use and management are sustainable.

Right now, I am the only person in our chapter dedicated to working on water issues in Nevada, so we collaborate with partners on scientific matters. For example, we mapped out where GDEs were located in Nevada in collaboration with the Desert Research Institute, Bureau of Land Management and the Nevada Department of Wildlife. In 2019, the Conservancy shared the data as a publicly available story map.

Information about the map database is provided in a document ([Exhibit D](#) contains copyrighted material. Original is available upon request of the Research Library.) The map shows over 25,000 documented springs in Nevada, maintaining nearly 10 percent of GDEs. We observed that the black greasewood, a fire-resistant shrub, is the most extensive GDE in Nevada, covering over 5.3 million acres. Communities are the largest user of GDEs.

The Conservancy recently completed a report with funding from the Bureau of Land Management and the California-Nevada Climate Applications Program addressing stressors and threats to GDEs. The report defined stressors as negative events currently impacting GDEs, and threats as having the potential to impact GDEs in the future. The report addressed stressors and threats from water withdrawals, climate, invasive species, ungulates and man-made development, including surface diversions and housing density.

A key finding of the report was that 39 percent of over 6,500 Nevada wells analyzed had significantly decreasing groundwater level trends and the data reflected Nevada will continue to experience more drought. We anticipate less water will be available from the atmosphere for all GDEs in Nevada.

The results of the report are in ([Exhibit E](#) contains copyrighted material. Original is available upon request of the Research Library.) Our next step is to use the information from the GDE database and the stress and threat report to develop strategies to manage and sustain GDEs in Nevada. The Conservancy is hopeful that the scientific resources provided can assist managers and decision-makers in considering our stressed ecosystems as they move Nevada towards resilient and secure water resources.

The Conservancy is applying the science used in our studies to develop legislation and policies that will positively assist Nevada in maintaining long-term water sustainability in Nevada. We have already observed conflicts between water users and detriments to ecosystems. These water conflicts will only worsen if they are not addressed and corrected. The Conservancy believes there is enough water for people and to support the ecosystem, and we should thoughtfully examine how to accomplish this long-term goal. Although we need to address the overuse of groundwater, we need to balance overuse with solutions that preserve communities and livelihoods while benefiting nature.

Many water-users are good stewards of both nature and the land. We support Senate Bill (S.B.) 176.

**SENATE BILL 176**: Establishes provisions relating to the conservation of groundwater. (BDR 48-79)

Senate Bill 176 maintains the productive use of Nevada land while using less water. Establishing a voluntary water rights retirement program in Nevada is very important as it gives us another tool for bringing basins back into balance. Now, the main tool for conserving water is curtailment, where junior water rights holders are not allowed to use their water in favor of senior water rights holders. This is a very heavy hammer to use on people who built their livelihoods on water. If a senior water rights holder has property on a river, it might not resolve the issue of junior holders. The senior holder may not be pumping water connected to the river; or a delay from a junior holder in pumping curtailment could take years or decades for water to reach the stream.

The Conservancy is aware of federal programs that can match state funds to help retire water rights. Some programs incentivize offering co-benefits to ecosystems while easing the transition to using less water. These programs can help transition land to other uses like dry land, grazing, agricultural crops that use less water, and native plants providing native seed, which is another Conservancy program. A voluntary buy-back program improves water sustainability for people and nature.

JAINA MOAN (External Affairs Director, The Nature Conservancy, Nevada Chapter):

I am the climate action lead at the Conservancy. I will discuss our efforts to advance the concept of Smart from the Start energy planning. This includes renewable energy technologies, like the Desert Sunlight Solar Farm depicted on Slide 12 of [Exhibit C](#). These projects typically have a larger footprint than traditional fossil fuel technologies. Large renewable energy projects proposed for public lands will encumber and alter thousands of acres of land for decades and change natural landscapes to industrial sites. The resulting changes restrict or deny public access. Standard construction design of solar projects excludes wildlife and removes natural vegetation from the project site because these proposed energy arrays are so large.

We need to consider how wildlife habitat and intact migration corridors can be preserved when energy infrastructure is built and employed. For example, transmission lines and associated vertical structures increase sage grouse nest predation by ravens and crows up to a distance of ten kilometers from that infrastructure. Nevada is now on the cusp of a massive build-out of energy transmission generators and storage infrastructure across Nevada. The infrastructure includes transmission lines, substations, transfer stations, solar photovoltaic arrays, geothermal energy, wind energy, storage facilities and additional access roads.

Although the infrastructure is necessary to support the transition to a clean energy economy to avert the impacts of the climate crisis, we are concerned with the resulting impact on our ecosystems. The deployment of infrastructure is being done on a project-by-project basis, not a comprehensive Statewide approach. This could jeopardize Nevada's native plants and wildlife, open spaces, cultural and historic sites, outdoor recreation opportunities and other land uses. This random approach increases the uncertainty of project success for energy developers and investors as resource conflicts extend project costs and timelines.

The Nature Conservancy has made efforts to understand how renewable energy technologies can be deployed in Nevada while protecting our natural areas, ecosystems and working lands. In 2022, the Conservancy published two studies that modeled the best places for lower impact renewable energy development. *The Power of Place-West* is a comprehensive energy, economic and geospatial study of 11 Western states that analyzed dozens of scenarios to achieve clean energy goals by 2050.

The Conservancy also updated the new *Site Renewables Right* map, which identified lower impact areas in midwestern states for wind energy. The Conservancy has published guidance for achieving clean and green pathways for global energy development and researched how and where renewable energy can be deployed on mining lands in the United States.

We have seen support for the Smart from the Start concept from advisory and legislative bodies as reflected on Slide 19 of [Exhibit C](#). With the modeling research, the Conservancy has learned that it is possible to avoid and mitigate the unintended consequences of energy development with careful landscape planning.

The Conservancy is advocating for a Smart from the Start approach to energy development. This approach identifies and prioritizes lower impact areas where renewable energy generation storage and transmission can be deployed, while minimizing impacts to natural lands, cultural resources, recreation and other conservation values and land users.

We have seen support for the Smart from the Start concept from some advisory and legislative bodies in Nevada. In 2020, the *State Climate Strategy* roadmap highlighted the need for Smart from the Start planning in its complex challenges section. We shared this idea with the State Land Use Planning Advisory Council that endorsed the Smart from the Start approach with a letter to Governor Steve Sisolak in July, 2021.

In August 2022, the Joint Interim Standing Committee on Natural Resources unanimously voted to write a position statement expressing support for the concept of Smart from the Start planning, and to send a letter to the U.S. Department of the Interior. Slide 16 of [Exhibit C](#) provides Internet links to these documents.

Between 2018 and 2021, the Conservancy and three nonprofit organizations met every two to three months and drafted a charter describing the group's purpose, objectives and scope. At the meetings, recent energy news was discussed, information shared, and panel discussions held that included experts on relevant topics for Statewide energy planning.

On March 1, 2021, the Conservancy, in collaboration with the three nonprofit organizations, convened a Smart from the Start energy planning consortium. It was attended by federal and State agencies, the Nevada Indian Commission and the Nevada Association of Counties. We appreciate the participation of the agencies and their staff in this informal voluntary consortium, as it helped the Conservancy determine how to achieve Smart from the Start planning from a variety of stakeholders in Nevada.

The Conservancy's Mining the Sun Initiative is a key component of the Smart from the Start energy planning strategy. The Initiative makes it easier to cite the success of renewable energy on mine lands, brownfields and other previously disturbed spaces, instead of using intact, undeveloped lands that are important for open space, wildlife and recreation. A recent inventory of land used for mining and brownfields in the State revealed there are potentially 694 sites in



Nevada that could generate nearly 4.7 gigawatts of electricity. That would avoid conversion of 396,000 acres of open space and would be enough energy to power over 747,000 homes. These numbers do not include other desirable land assets in Nevada that would be ideal locations for renewable development, including checkerboard lands on Interstate 80, agricultural lands, rooftops, parking lots in urban areas and other low-impact public lands.

The Conservatory believes we have developed a relevant stage for advancing our Smart from the Start planning goals and will continue to include State agencies in our energy-planning consortiums. There are many opportunities to incentivize the development of renewable energy on previously disturbed spaces. This Session, the Conservancy proposed S.B. 421.

**SENATE BILL 421**: Revises provisions relating to energy. (BDR 58-891)

The legislation would have changed the definition of renewable energy zones to include low-impact areas for energy development. Unfortunately, S.B. 421 did not pass the first committee passage deadline, but we believe the recommended changes would help facilitate more options for low-impact energy development.

A Statewide energy transmission and infrastructure plan could help Nevada direct its development to low-impact areas. A master plan would be beneficial in guiding infrastructure development during the anticipated enhanced build-out we will be experiencing for renewable energy.

The U.S. Bureau of Land Management (BLM) plays a huge role in permitting transmission rights-of-way and energy projects in our State. The BLM is currently revising the western solar role and the "West-Wide Energy Corridors" and the Conservancy is providing input on those processes. The Conservancy believes that Smart from the Start energy planning can minimize costly permitting delays, nimbyism and other barriers to development.

The Conservatory planning will generate jobs and provide better assurance that projects will be built in a timely manner. To achieve that goal, the Conservatory seeks participation and input from utility providers and labor unions on what they need addressed in the planning process. We are also working to advance clean energy projects on current and former State mining lands by working with stakeholders on project sites in several Nevada counties.

Fortunately, there is federal money available for this purpose. For example, two weeks ago the U.S. Department of Energy launched a \$450 million program created by the federal Bipartisan Infrastructure Law to fund clean energy demonstration projects on current and former mining lands.

There are also investment and production tax credits for renewable energy systems. The Inflation Reduction Act of 2022 included a 10 percent tax credit for companies that build renewable energy projects on brownfields.

CHAIR PAZINA

I am curious about other states that are part of the Colorado River Compact and where they rank among the dry states.

MS. MOAN:

I know Utah is the second driest state and New Mexico is the fourth or fifth driest state. The west is much drier than the rest of the country.

SENATOR PAZINA:

I will open the hearing on Assembly Bill (A.B.) 19.

**ASSEMBLY BILL 19**: Revises provisions relating to water. (BDR 48-233)

ADAM SULLIVAN (State Engineer, Division of Water Resources, Nevada Department of Conservation and Natural Resources):

The Division of Water Resources (DWR) is sponsoring A.B. 19. The intent of the bill is to ensure that Nevada tribal communities and tribal nations are on equal footing with other governmental entities with respect to eligibility for grant funding through the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program under *Nevada Revised Statutes* (NRS) 532.220.

The bill allows officers and employees of federally recognized Indian tribes to act as water rights surveyors without possessing professional engineering or land surveyor licensure. The same allowance is already provided to officers and employees of the federal government. This is a straightforward bill that seeks to remove barriers for Nevada's tribal nations. Assembly Bill 19 would simplify the process for tribal authorities to survey tribal lands and codify those changes in the NRS. This bill is an example of doing the right thing for the right reasons.

Currently, Nevada tribal governments do not benefit from the same eligibility criteria to conduct surveyance work as is available to other governmental entities. The bill corrects that inequity. I will explain the changes included in the bill.

Section 1 adds the definition of the term "tribal government." Section 2 clarifies that tribal governments are eligible recipients of grant funding under the Channel Clearance Program established in NRS 532.220. Section 3 makes further revisions to channel clearance funding set forth in NRS 532.230 in conformity with the changes set forth in section 2. Section 4 revises NRS 533.080 by expanding the exemption in subsection 9 to include officers and employees of a tribal government. Currently, NRS 533.08 requires a licensed professional engineer or professional land surveyor be employed to qualify for channel clearance funding. The definition of a tribal government is also added to this section. Section 5 establishes the effective date of the legislation as July 1, 2023.

CHAIR PAZINA:

It is great to see our State Engineer so we can ask questions about perennial yield and other water-related matters.

SENATOR GOICOECHEA:

Can you explain the duties of a State water rights surveyor? I assume a water rights surveyor is similar to a basin engineer without being an engineer, like a ditch rider. Is that accurate?

MR. SULLIVAN:

A surveyor license is required to submit certain maps.

SENATOR GOICOECHEA:

I think that requirement only applies if you are a professional land surveyor. The bill states that a person may apply for appointment as a state water rights surveyor, but I do not think you have to be certificated. Is that the way I am reading the bill or am I misreading it?

MR. SULLIVAN:

Every water rights agent who files documents with DWR and prepares maps in accordance with Nevada water law is required to provide water rights surveyor licensure, and DWR administers the licensure.

SENATOR GOICOECHEA:

If A.B. 19 passes, officers and employees of federally recognized Indian tribes would not have to maintain the licensure. Is that correct?

MR. SULLIVAN:

That is correct. The bill would provide officers and employees of federally recognized Indian tribes the same privileges that other federal government officers already enjoy.

SENATOR GOICOECHEA:

I am trying to get my arms around this. If officers and employees of federally recognized Indian tribes do not have to be licensed, would they then be restricted to conducting surveying work only on tribal land or sovereign nation? Could they perform these duties off tribal land? Maybe I do not understand exactly what A.B. 19 does.

MR. SULLIVAN:

The qualifications to obtain a water rights surveyor license are very simple. Typically, you need to be a licensed professional engineer or a licensed professional land surveyor in Nevada. The exception that licensure is not required for officers and employees of the federal government is an issue to our tribes. Currently, tribal members will work with a representative from the federal government to process their own tribal water rights. This legislation eliminates that intermediary step and make the process more efficient. The actual review process for funding submissions would not change.

SENATOR GOICOECHEA:

But would this person still have to be a professional engineer or professional surveyor?

MR. SULLIVAN:

No, they would not.

SENATOR GOICOECHEA:

No? Never mind. I will let somebody else ask the questions.

CHAIR PAZINA:

When was the legislation drafted? When the Channel Clearance Program was originally enacted, why were tribal governments and employees not included in the exemptions for people not needing licensure?

MR. SULLIVAN:

The Channel Clearance Program was enacted in the 1990s with the intent to make funding available to local governments for channel clearance, flood conveyance, bank stabilization, and similar things. The funds were to be used for the public benefit on the river channel, where the water flows through common public areas. There were times when channels on tribal lands had the same need for channel clearance funds as other areas. During those times, the tribes have cooperated with their conservation district or another local entity to conduct channel work for the common benefit. This bill would remove that extra step so tribes would be eligible for project funding directly.

SENATOR GOICOECHEA:

I want to confirm that A.B. 19 only pertains to channel clearing and applying for these grants. Is it correct that an engineer working on tribal lands, and officers and employees of federally recognized Indian tribes, do not need to be licensed if they are only working on tribal lands? Can these officers and employees develop design for channel clearance anywhere in the State?

MR. SULLIVAN:

This bill addresses two separate issues. The first issue involves the channel clearance fund and adding tribes as eligible parties to receive funding from the program source. The second issue involves putting tribes on equal footing with officers or employees of the federal government. The list of exemptions set forth in NRS 533.080 will be expanded so that officers and employees of federally recognized Indian tribes will not be required to possess an engineering or professional land surveying license when working on their own tribal lands.

My understanding is that every time the lack of exemption has been an issue, it involves tribal representatives doing work on tribal lands that anticipate funding from the program.

SENATOR GOICOECHEA:

I am fine with that. I was concerned that if an unlicensed surveyor travels throughout Nevada doing work, there exists the potential for conflict, especially

if you have licensed surveyors and unlicensed tribal surveyors submitting two sets of paperwork. This is something that would be litigated. I just want to make sure I am clear on the purpose of A.B. 19.

MR. SULLIVAN:

The intent of A.B. 19 is for tribal representatives to conduct work on their own tribal land.

CHAIR PAZINA:

We will hear from those in support of A.B. 19.

ALEX TANCHEK (Pyramid Lake Tribe; Duckwater Shoshone Tribe):

I represent the Pyramid Lake Tribe and the Duckwater Shoshone Tribe, and both tribes support A.B. 19. The bill will help the tribes manage their water resources more effectively and they appreciate Mr. Sullivan for developing and bringing the bill forward.

JENNIFER LANAHA (Las Vegas Paiute Tribe; Reno-Sparks Indian Colony):

On behalf of tribes I represent, they support A.B. 19 and similar efforts to expand access for the tribes.

MS. SAITO:

The Nature Conservancy supports A.B. 19. Allowing tribal communities to be eligible for program funds can help them to be more resilient in the face of climate change.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR PAZINA:

There is no one to speak in opposition to A.B. 19, or in a neutral position. As there is no public comment, the meeting is adjourned at 5:42 p.m.

RESPECTFULLY SUBMITTED:

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Cherie Dittler,  
Committee Secretary

APPROVED BY:

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Senator Julie Pazina, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
	C	2	Laurel Saito/The Nature Conservancy	Presentation
	D	5	Laurel Saito/The Nature Conservancy	Document
	E	5	Laurel Saito/The Nature Conservancy	Document