MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES

Eighty-third Session
March 20, 2025

The Senate Committee on Natural Resources was called to order by Chair Michelee Cruz-Crawford at 3:38 p.m. on Thursday, March 20, 2025, in Room 2144 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 6 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, 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 Michelee Cruz-Crawford, Chair
Senator Melanie Scheible, Vice Chair
Senator Julie Pazina
Senator Ira Hansen
Senator John Ellison

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Daniela Cortes-Arriola, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Cherie Dittler, Committee Secretary

OTHERS PRESENT:

Stacey Montooth, Executive Director, Nevada Department of Native American Affairs
Steven Wadsworth, Chairman, Pyramid Lake Paiute Tribe
Will Adler, Pyramid Lake Paiute Tribe
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League
Jay Guerrero, The Nature Conservancy
Olivia Tanager, Chapter Director, Sierra Club Toiyabe Chapter
Michael Brady
Andrea Martinez
Leo Drozdoff, Truckee Meadows Water Authority
Nick Schneider, Vegas Chamber

David Cherry, City of Henderson
Chaunsey Chau-Duong, Las Vegas Valley Water District; Southern Nevada Water Authority
Joelle Gutman Dodson, Northern Nevada Public Health
Victoria Supple, Southern Nevada Health District
Jeffrey Kinder, Deputy Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Jennifer Carr, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources,
Cliff Banuelos, Tribal-State Environmental Liaison, Inter-Tribal Council of Nevada
Vinny Spotleson, Chapter Chair, Sierra Club Toiyabe Chapter
Jaina Moan, External Affairs Director, The Nature Conservancy
Jermareon Williams, Western Resource Advocates

CHAIR CRUZ-CRAWFORD:
We will start with a bill draft introduction (BDR). Please remember a vote in favor of introducing the BDR does not imply your commitment to support the measure later. The introduction allows the BDR to become a bill and enter the legislative hearing process.

BILL DRAFT REQUEST 22-372: Authorizes the creation of business improvement districts. (Later introduced as Senate Bill 420.)

SENATOR SCHEIBLE MOVED TO INTRODUCE BDR 22-372.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CRUZ-CRAWFORD:
We will hear a presentation by the Nevada Department of Native American Affairs (DNAA).

STACEY MONTOOTH (Executive Director, Nevada Department of Native American Affairs):
I will submit a presentation (Exhibit C contains copyrighted material. Original is available from the Research Library.). I am here to represent the DNAA. I am

also a citizen of the Walker River Paiute Nation and have the honor of serving for DNAA which has grown immensely.

There are many exciting things happening at the DNAA. We have gone through the process of rebranding and have a new department name and logo. On July 1, 2024, we uncoupled from the Nevada Department of Tourism [and Cultural Affairs] effective 2025. Although we were under the purview of that Department, we now answer directly to Governor Lombardo as a standalone agency. For those of you who have gone through any kind of rebranding, you know how difficult and expensive it can be.

I want to remind you that even though we have a different name, our mission is the same. The DNAA is charged with improving the quality of life for our 28 federally recognized tribal nations, bands, colonies and communities. I want to underscore that there are about 62,000 self-identified Urban Indians living in Nevada. I am the executive director of the DNAA and serve as a liaison and conduit from our tribal governments to the Governor's Office. In that capacity, and how I was raised, I don't ever speak for our tribal nations, right? I speak with them. There are 28 sovereign governments.

Although you see my face in the presentation, I am not representing our respective governments. Typically, and not just with our five appointed Board of Commissioners, any time you are at a formal event within our tribal communities we usually start with a land acknowledgment.

> We begin all formal meetings by acknowledging the lands that we gather on…the Numa, the Newe, the Nuwuvi, Wa She Shu, and Pipa Aha Macav have lived in the Great Basin since time began. Please join me in offering our deepest respect and gratitude for our five major indigenous groups; the Northern Paiute, the Shoshone, the Southern Paiute, the Washoe and the Mojave—not just the original caretakers of the land we now call Nevada—but for their enduring stewardship and protection of our shared lands and waterways.
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> Today, the DNAA reaffirms its commitment to improve the quality of life for our 28 tribal nations, bands, colonies, and the 62,000-plus Urban Indians who choose to make Nevada their current home.

The intent of a land acknowledgment is to remind you to think about what was happening in this area in the 1800s. Slide 5 of the presentation Exhibit C shows you the original territories of our great … what we call the big five. This map intentionally has gradated areas, because we often had shared territories. The map shows what it looked like in the 1980s [*sic*]. All of you who had great Nevada history teachers like I had in Churchill County, know that in 1864 everything changed. The area we were in went from being a territory to a State.

Fast forward to today. Slide 7 of the presentation is an image that our Friends of Indian Territory created. It shows the shaded, original territories of the big five and identifies over 30 land-based areas. These lands are governed by sovereign nations who have their own elected tribal officials, ordinances and constitutions. Because this committee loves land and resources as much as I do, I take this opportunity to brag about the beautiful images of different territories depicted in slide 8 of the presentation. Many of you will recognize these spots because they are so high profile in our State. Cave Rock is Waši-šiw land; the beautiful trees are in Southern Nevada where the Mojave is, and the picture on the right is from Tule, the Stillwater National Wildlife Refuge in Fallon for marsh-eaters. The Numa lands are at beautiful Pyramid Lake. If you have been to Duckwater, it has one of the most amazing hot springs in the whole entire country.

Slide 9 depicts beautiful desert blooms. Although the photo is from Southern Nevada, we also have those beautiful flowers just down the street. There are three images on Slide 10 that probably everybody in the room has seen. We call these beautiful markings "ancestor selfies" because of the way marks were left on the rocks. These markings are just east of Fallon, my indigenous territory, near the beautiful Walker Lake. The Stone Mother formation is at Pyramid Lake.

Speaking of whose land you are on; it's vital that I share what land the DNAA is on. The DNAA operates out of the former Stewart Indian Boarding School. If you invite me back, I would love to explain why the State owns the deed to the land the school is on. I would also love to explain how it is connected to the 70 percent graduation rate of Native Americans at our public schools, and how the land is tied to socioeconomic status, and the nearly 60 percent unemployment on our tribal lands.

As of today, this is the site where I work, along with at least four other state agencies. This is the site where, for 90 years, the federal government forcefully

assimilated our relatives. My grandmother was taken from her home at the age of four and made to go through boot camp, basically. She was forced to have a haircut, could not speak her native language, and had to march and wear a uniform. She could not communicate at all with her family. This happened for 90 years, just three miles from where we're sitting right now. They are the indigenous lands of the Washoe, so please be cognizant of that.

I will discuss the priorities of DNAA. I have served as the executive director of DNAA for nearly five years. I have found—and this is not scientific—that connecting our tribal governments with the Governor's Office, and the Nevada Department of Health and Human Services is the biggest priority for our tribal governments. Education is right there behind it. Sometimes we will just talk, which is even more important. It does not matter how many degrees, or letters you have behind your name. If our people are dying 12 years earlier than the average American, that doesn't matter.

Health and human services are vital; economic developments are on everybody's mind, especially in this day and age. If we cannot pay our bills, we're not going to have a good quality of life. The last priority is the environment, and not coincidentally, I will speak about that. Although I often tell folks there are over 500 federally recognized tribes, there's actually 574 federally recognized tribes on Turtle Island [indigenous term for North and Central America]. We have different songs and different foods. We have two things in common that are indisputable; we were here first, and our existence is tied to our environment. Mother Earth is the core of our existence which is the fourth priority of the DNAA, as determined by our elected leadership; our tribal governments.

Our environmental focus is depicted on slides 13 and 14. We work with oodles of allies and supporters, and other Nevada departments and divisions. I have listed a few on the slides. As the executive director of DNAA, I am included in the Natural Resources Subcabinet Group [*sic*] when Governor Lombardo calls a meeting. I have learned so much from my colleagues in mining, Ag [agriculture], and of course, conservation and lands. We have a voting slot on the Outdoor Recreation Advisory Board and the Nevada State Board of Geographic Names. We have a tribal citizen who is our voice on the State Land Use Planning Advisory Council and the Joint Interim Standing Subcommittee on Public Lands. We engage with the Inter-Tribal Council of Nevada (ITCN) and the Nevada Environmental Health Association task force.

There are four entities that really help DNAA get its work done: the University of Nevada [Reno] Extension education, The Nature Conservancy, the ITCN, and 7 of our 28 tribal nations have tribal historic preservation officers who are our subject matter experts. As I mentioned, these officers are based at the Stewart Indian School, the Stewart Indian School Cultural Center and the museum at the heart of the campus. We have a multiplex center on our campus to convey the true history of Indian boarding schools. If you have not already come out and spent time with us, I encourage you to visit. I would love to give you a tour of the building and all 110 acres.

SENATOR SCHEIBLE:
I have seen presentations from your predecessor organization, or your agency with the new name, and learn something every time we hear from you. It's great seeing all the pictures of the Indian school. I have been out to the Stewart facilities for meetings in some of the other buildings, but not to the main campus. I would love the opportunity to take a tour. I was hoping you could give an update on the number of tribes that are currently recognized in Nevada and how many members they have?

MS. MONTOOTH:
I recently had a conference call with a couple of colleagues on that exact subject. One was from the University of Nevada [Reno] Office of Indigenous Relations, while the other was executive director of the ITCN. These two experts were also Native American tribal teachers.

We had a robust discussion about the number of tribal nations in Nevada. I inherited documentation suggesting there were 27 tribes, and there is other information suggesting that there are only 20 tribes. Based on the federal government's description of what a federally recognized tribe is, Nevada has 20 federally recognized tribal nations. Two of the federally recognized tribes, including the Washoe [Tribe] Nation of Nevada and California, and the Te-Moak [Tribe] Nation of Western Shoshone have a different structure. The Washoe Nation, down the street, has community band councils. Their land base is not contiguous; in fact, they have a community at Stewart right across the street from where I go to work every day.

They have communities in Woodfords, California and Gardnerville, Nevada. They also have a community on the other side of Carson City. Each of those respective land-based communities have a tribe through their constitution. They

have the right to elect their own council and do apply that right. Even though they only have federal recognition for one tribal nation, they are structured sort of like county commissioners, Assemblymembers and Senators. The Nation of the Western Shoshone Tribe is a bit different. They have separate land bases that are not connected in Battle Mountain, Wells and South Fork, near Elko. They also have their own elected officials.

My understanding is that their constitution allows for each of those respective community councils to have their own constitution, if it doesn't interfere or conflict with the primary constitution of the parent tribe. Because of the unique structure of noncontiguous tribes, we have 28 tribal governments, but only 20 federally recognized tribes. We have about 35 land bases under the jurisdiction of one of our tribal governments, including the houses where our relatives live.

CHAIR CRUZ-CRAWFORD:
I really appreciate you as a resource. As we come up with legislation, I appreciate the background knowledge of how our tribal lands stretch beyond the Nevada border and into other borders. One of the things I worked on as a regent was the Native American tuition waivers. They are Nevada's largest waiver, and I appreciate all the work that your office has done on that outreach.

MS. MONTOOTH:
I appreciate those comments, but I was negligent. I should absolutely emphasize that several of our tribes, their original territories, and federally recognized borders straddle other states. For instance, part of the land of the Sho-Pai Nation of Duck Valley is in Idaho. Part of the Washoe Nation is in California, and the Fort McDermott Paiute and Shoshone Tribe also straddles Idaho. Our relatives down south, the Fort Mojave Nation, has land in Nevada, California and Arizona. That’s always a reminder that we were here first.

CHAIR CRUZ-CRAWFORD:
I appreciate your presentation and want other committee members and those in the audience to know what resources you provide, so when we're creating legislation, we can involve you in the conversation. I will now open the hearing on Senate Bill (S.B.) 276.

SENATE BILL 276: Revises provisions relating to water. (BDR 40-750)

SENATOR IRA HANSEN (Senatorial District No. 14):
I represent Senate District 14, which includes most of geographical Washoe County, all of Lander, Pershing, Eureka, and Humboldt Counties and a section of Elko County. I don't represent Mineral County anymore. There are several tribes in the counties I represent: The Reno-Sparks Indian Colony, Pyramid Lake Paiute, tribes in McDermott, Summit Lake and Duck Valleys, and three colonies in Lovelock, Winnemucca and Battle Mountain. The reason for this bill is that Will Adler, my co-presenter, got ahold of me and said "Hey, we had a big problem affecting Pyramid Lake and we want to introduce a bill," and I said "Okay, give me the scoop."

There was a sewage spill in Sparks of about two million gallons which lasted about a year. A year after the sewage spill happened, it was finally repaired. The tribe only found out about it when one of Northern Nevada's best investigative journalists, Joe Hart, did an exposé on News Channel 4. That is the genesis of why we are here right now. As most of you guys know, I am a plumbing contractor. What happened in this case was that [during construction], The Atrium apartment complex installed a brand-new stormwater and sewer system.

There are two sets of pipes in the ground which take away all the storm water. One of the pipes is for the sewage system and the other is for stormwater. Stormwater goes directly to the river, while sewage goes to the sewer treatment plant. In this case, the plumbing contractor installed brand-new green SDR-35 pipes and accidentally connected the sewer system to the stormwater system. The error was not discovered for a while, even though neighbors noticed the bad odor all the time. At some point, the contractor came back and corrected the pipes but in the meantime, the sewage from The Atrium went down the river. This went on for over a year.

I then learned that the City of Sparks was involved, and did not notify anybody and we decided to create this bill. I want to make it very clear that I am a native of Sparks; I am a Sparks Railroader and graduated from Sparks High School in 1979. Under no circumstances am I pointing fingers at who's responsible. This was a fairly complex issue. What we are trying to do, from this point on, is move forward. Then, if something like this happens again, government entities will be required to follow set procedures to ensure everybody is properly notified. That's what this bill is all about.

STEVEN WADSWORTH (Chairman, Pyramid Lake Paiute Tribe):
I am no stranger to passing legislation for our respective areas; I really hope that everybody considers looking at and approving this bill. A big portion of my job is educating people about tribes. Not a lot of people know about the tribes, but the land you're sitting on was originally not yours and belonged to another set of people. We are fortunate to sit on a large portion of our ancestral homelands, and not a lot of tribes can say that.

There are over 3,030 members in the Pyramid Lake Paiute Tribe alone. The reason for this bill is just common sense. There was a horrible spill, over 2.5 million gallons; the equivalent of 3.5 gallons every minute being dumped into a water source that is flowing downstream. That wastewater ultimately ended up in Pyramid Lake.

If you need a visual representation, it would be the size of a storage unit 77 feet in diameter and 77 feet high. That is how much wastewater was dumped into the river, which eventually ended up at Pyramid Lake. We try to be good neighbors with everybody, but in this case, the good neighbor policy obviously did not apply. This disaster did not just impact Pyramid Lake. Other immediate communities impacted were literally 500 yards down the road, including the community of Lockwood. There are other people who live on the river, all the way to Pyramid Lake, including two communities on my reservation, Wadsworth and Nixon.

Ask anybody here, no matter where they live, how they would feel if sewage was dumped, essentially right in their backyard and flowed into something that people recreate in. Just to center myself, and for you to consider, the traditional name for my people is the Cui-ui Ticutta, which translates to "fish-eater." I've been trying to change that, but we don't have a word for it, because we do not really eat the fish anymore. We have morphed into Cui-ui protectors. That's what we do every day; we protect our namesake, the Cui-ui, an endangered fish. So, not only are we talking about potential hazardous human issues; we are also talking about endangering native fish, including Lahontan trout and cutthroat trout, which are also threatened species.

In addition to humans, two different species of fish are in danger, because nobody decided it was important enough to notify anybody downstream that there was a potential problem. We deserve the right to know, so we can

mitigate or watch out for them. That needs to happen in a reasonable amount of time. Hearing about it on the news is not reasonable, whatsoever.

WILL ADLER (Pyramid Lake Paiute Tribe):
This incident actually happened last fall, and sort of came to us in a hurry. I want to thank Senator Hansen for bringing this forward. We did try and bring together some of the language we thought would cover the lack of information sharing we had on the ground. We did not know where the gaps were; there are laws and regulations on spills, and around wastewater. But an incident happened, the necessary governmental bodies were not informed and nobody really knew what happened. There was also a lack of clarity of who was mandated to report the incident to the State. To cover up these shortfalls, we have come forward with S.B. 276.

I will discuss the conceptual amendment (Exhibit D). I tried to refocus the bill from all water data in the State and general water data collected by government bodies. The language was too broad and implied that all water data was to be submitted every year to the Division of Environmental Protection (NDEP).

SENATOR SCHEIBLE:
It is unfortunate when a real situation like this has to occur to spur this kind of legislative action. What happened to the people of the Pyramid Lake Paiute Tribe was absolutely awful. Do you have any data or sense of how many other similar incidents have occurred in the State that went unreported?

SENATOR HANSEN:
I don't know, but we do have the administrator of NDEP here today testifying in neutral, who could probably answer that question.

SENATOR ELLISON:
Once they found where the leak was actually coming from, what was done to make sure it didn't happen again?

SENATOR HANSEN:
Once the pipe is correctly hooked to the right system, it can't happen again. In my opinion, it was an honest mistake. You have two pipes very close together, and if you have sewage going through a pipe, it has a very distinct odor. You can only make that mistake if the pipes are brand new. The plumber and plumbing inspector goofed, and unfortunately, this event occurred. I believe it

was an honest mistake and was corrected once it was discovered. The problem is that people downstream and the Pyramid Lake Tribe were never notified. That is why S.B. 276 is necessary. When we looked through the *Nevada Revised Statutes* (NRS), there was no requirement forcing a government agency to notify people who could be affected by a sewage spill like this.

CHAIR CRUZ-CRAWFORD:
When I Google searched "If there's hazardous material spill in Nevada, who do I report to" the response was: first, the National Response Center; second, NDEP; and third, the Nevada State Emergency Response Commission. My search provided the phone numbers for all of those entities along with a 24-hour notification line for NDEP. How will S.B. 276 work in conjunction with those organizations? Are we doubling up on those things?

MR. ADLER:
It does appear there is some overlap or doublespeak here. When it comes to regulatory reporting for wastewater outflow, or spill events, it is usually on the commercial, agricultural or private property owner to report to the county or State where the event occurred. If a county is aware that an event has been reported due to a regulatory mandate, they will simply fill out the same information and send it to NDEP to ensure that once a governmental body has been informed that a spill happened in their region, a record will be sent to the State to ensure that there is a secondary chain of record.

We think that may have happened in this case; someone on the ground knew or was told of the event and reported the event to the City of Sparks, who was unsure if they had to pass the report of the event along. That is where the lack of clarity could be cleared up. When a governmental body is aware of an event, it would inform the State, and then disseminate the event outwards. At the very least, they can send a record to the State once they know about an event and could inform others.

SENATOR HANSEN:
It was kind of interesting; we only found out after Joe Hart had done the investigative thing that both the Northern Nevada Public Health Department (NNPHD), and the Washoe County Health District (WCHD) had already been notified. Although government agencies had been notified, it did not go beyond them.

Then we started digging. Who do you point the finger at? Who could be held liable? Could the property owner be held liable? If a city or county inspector said the pipes were okay, could they have been held liable? Once these people are informed [of an event], who is responsible to make sure it gets to NDEP? That is why we need S.B. 276; there are no clear guidelines. In my opinion, the NNPHD should have notified NDEP, and they didn't do that. It's interesting that everybody knew, but nobody knew what to do with that knowledge. We are trying to clarify who is responsible. If a government entity—the NNPHD, WCHD, or the City of Sparks—is aware of something like this, where do they go with the information? This bill makes the NDEP responsible for ensuring that information is disseminated to the proper parties.

CHAIR CRUZ-CRAWFORD:
The language seems a bit complex for what should be a simple resolve. It says that with a Nevada emergency response, like a hazardous material spill or release notification, you would first call 911, then the National Response Center and after that, the NDEP. Would the bill create a secondary recourse or require these entities to notify or inform what, exactly, is going on?

MR. ADLER:
Governmental bodies frequently have information sessions; like for a semitruck accident on the road, via the sheriff's office cleaning that up, or any other touchpoint where they know more of what is happening in the community than everybody else.

A lot of the time the onus is on the property holder and the governmental body to help clean up or verify that the cleanup did happen. In some cases, it is the property owner who should file an event report. In this particular incident, a governmental body had the information, knew the incident happened, and if they filed a report on their own saying, "Hey, we went to this event and cleaned it up," and no actual report of damages, or full assessment is submitted by the property owner at a later date, it would be a red flag. It would let them know that some information is missing or leave a record that a governmental body knew of the event, and the date the event happened, and they had filled out the required form and sent it to NDEP. It would make a mark in the sand that the government entity knew the date, went out and cleaned it up, and on the government's side, they did their part.

There's an overlap where governments know what is happening on a local government level, be it a large or small event. Sometimes, that information does not make it to the State level, because further notification is unclear. We are just trying to clarify that, in these cases, a secondary form needs to be completed to ensure a record of the event and a timeline of who knew what and when. It would diminish a lot of the harm that was done on the ground in these incidents.

SENATOR HANSEN:
We did meet with Administrator Carr of NDEP, and they had several concerns. We are going to work out some of the bugs that you mentioned because the language is unclear, and Ms. Carr had some excellent ideas on how to clarify and streamline the bill, so that somebody is held accountable once an event has been reported to a government agency. Along with Ms. Carr, Mr. Adler and I plan to fine-tune the amendment to the bill, but everybody is in agreement on the concept and why it is necessary,

MR. WADSWORTH:
It's what the tribes deal with every day in our government-to-government relationships. We also deal with other cities, counties, states and tribes. If a government agency gets event information, that is usually where it stops.

This bill would ensure that, yes, common sense, you tell people who could be affected by an event. That is good government-to-government relations.

CHAIR CRUZ-CRAWFORD:
I appreciate the intent of the bill. I am a very simple person, so I am looking at this thinking; there's already a report out. It sounds like there was an issue with reporting, the chain of command or getting the report out. I would love to see what that amendment looks like. I think the more ties to resources we already have to prevent this from happening, the more the bill will prevent this from happening in the future, instead of adding some additional complex systems. This is not my bill, but this is my feedback.

SENATOR SCHEIBLE:
Your comments and Senator Hansen's response gave me an idea, although it is always dangerous to float an idea for the first time in committee. I am wondering if the goal could be met and the requirements of the bill satisfied by some kind of system where the NDEP keeps a list, or a database, and different

government agencies can opt into different alerts. Maybe break it down by regions; northwest, southwest, northeast, southeast—Humboldt County might want to get the northeast and northwest alerts or may want to get all of the alerts.

Then you are not relying on one person in the NDEP whose job it is to look at the map and say "I don't know, I guess we need to call the city of Fernley. I guess we don't need to call the city of Fallon." I wonder if that might be a way to reach the goals of the bill.

SENATOR HANSEN:
Ms. Carr brought up that exact issue. If there was a sewer spill in Elko on the Humboldt River, it would flow clear down through how many counties? It is much more complex, but that idea is what we are going for. With the Truckee River drainage, there should be some idea as to what and where it would go. We are working on that. It is a little bit more complex than how it initially appears, but we are definitely working in that direction. There is a central repository that can help reach everybody, and that is where the problem was. There were notifications, but it never got past that point. Ms. Carr said the chain of command went from a private to a corporal to a first sergeant, but nobody disclosed the information to the high-level officers who could make a call.

CHAIR CRUZ-CRAWFORD:
I always get alerts from Southwest [Airlines]. If they can send out an alert with their ancient system, then we can get alerts here.

CHRISTI CABRERA-GEORGESON (Deputy Director, Nevada Conservation League):
We are here in support of S.B. 276. Nevada's waterways supply drinking water to residents across the State, sustain wildlife and their habitat, and help bolster our outdoor recreation economy.

As the driest State in the country, protecting the quality of our limited water resources must be a top priority. Transparency and collaboration are crucial in ensuring the health of our water resources and this bill addresses that. We urge the committee's support.

JAY GUERRERO (The Nature Conservancy):
We support the amendment to S.B. 276, revising provisions relating to water and establishing provisions governing the reporting and sharing of information relating to water by certain governmental entities and Indian tribes. This bill came about because of a sewage discharge into the Truckee River. The event affected my community and the Pyramid Lake Paiute Tribe. It also affected the Nature Conservancy's McCarran Ranch Preserve. We support S.B. 276 because our waters are better managed when everyone is informed about permitted and accidental discharges to rivers that support nature and communities. We appreciate the Pyramid Lake Paiute Tribe for taking action and bringing this bill forward. We appreciate your consideration and support for S.B. 276.

OLIVIA TANAGER (Chapter Director, Sierra Club Toiyabe Chapter):
We appreciate your consideration and support for S.B. 276. We strongly support this bill and echo what my environmental colleagues have already said.

A lake chairman once said, "What is good for the fish is good for the people." We strongly support this bill to protect our water resources across the State, and to ensure there is good government-to-government conversations happening when incidents need to be reported. We urge you to support S.B. 276.

MICHAEL BRADY:
I am a proud member of the Pyramid Lake Paiute Tribe, and I am in full support of S.B. 276.

ANDREA MARTINEZ:
I support S.B. 276 and agree with everybody's comments prior to mine.

LEO DROZDOFF (Truckee Meadows Water Authority):
We are in gentle opposition to this bill. Although we support the concept of notification, we have some difficulties with S.B. 276. Specifically, section 2 will generate dozens, if not hundreds of public records or data points that would become public records. We don't think that's the intent here, but that is what exists. The action of S.B. 276 is worth spending time on is in section 3, subsection 1, where notification occurs and would make sense. We want to point out that there are a number of related statutes and regulations currently on the books. For example, NRS 445A.660 talks about reporting of discharges, while Nevada Administrative Code 445A.3473 is almost word-for-word identical to what's in the amendment Mr. Adler handed out.

There's also NRS 233A.260, where NDEP enters into protocols with Indian tribes. Our suggestion would be to look at what exists on the books already, and not recreate a lot of stuff that probably isn't needed to cover the intent of the bill. Moving forward, we stand ready to work with Senator Hansen and Mr. Adler.

NICK SCHNEIDER (Vegas Chamber):
We oppose S.B. 276 as drafted. We believe that some of the provisions are a little too broad. Specifically, section 2 requires the reporting of data regarding unauthorized dumping, and we have some concerns around the verification of those reports. In the proposed amendment, there is a definition of "verifiable knowledge" and "personal verifiable knowledge." That is a concern. We're still in the process of reviewing that amendment, but I look forward to working with the bill sponsor.

DAVID CHERRY (City of Henderson):
I want to thank you for meeting with us prior to today and allowing us to discuss the city's opposition to how S.B. 276 is written. I also want to thank Mr. Adler for engaging in dialogue over ways we can continue working toward an amendment that may allow us to move to neutral.

The city's primary concern is the onerous reporting requirements that would require the city to report to the State any data on water quality, or discharges into the waters of the State, even if the data is not related to a city permit issued by the State to the City of Henderson. There are also terms in S.B. 276 that are potentially confusing and leave entities unable to clearly determine who is entitled to notice under S.B. 276. This could undermine its effectiveness. We are committed to being good wastewater operators and neighbors. We are hopeful for a path forward and will continue to work with the proponents of the bill.

CHAUNSEY CHAU-DUONG (Southern Nevada Water Authority; Las Vegas Valley Water District):
Ditto: I agree with many of the comments made by my colleagues here. I also agree with some of the suggestions made by you, Madam Chair, and Senator Scheible. There are certainly paths to move forward, and we look forward to continuing working with the sponsor of S.B. 276.

JOELLE GUTMAN DODSON (Northern Nevada Public Health):
We too, are in very light opposition to S.B. 276. Section 2 of the bill and throughout the bill, refers to the "district" or "water authority" and we want to confirm that those terms refer to either a water district or a wastewater authority. Sewage discharge is regulated by the NDEP.

VICTORIA SUPPLE (Southern Nevada Health District):
I'm gonna save you some time and just ditto the comments of the previous speaker.

JEFFREY KINDER (Deputy Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):
I have submitted neutral testimony and will read it into the record (Exhibit E).

SENATOR ELLISON:
Isn't that your job? It seems like your job is to report, but you're saying S.B. 276 will create a larger, physical burden that will go back on the State. Isn't that in your duties?

JENNIFER CARR (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):
Our job is to ensure we are evaluating information that comes to us, and it's addressed and properly handled. If there are other entities that need to know or engage with us on any particular event, we make that happen. The amendment imposes a significant potential burden on the State. It requires not just this type of spill reporting that is the focus today; it will also affect permit applications for any discharge monitoring under those permits that reflect any exceedance of water quality standard—be it drinking water, wastewater, mining permits, or any other permit that would require NDEP to package and redistribute the information.

Redistributing public records isn't what we do. We must make all of our records available, but to receive, repackage and redistribute information from a list of entities that may or may not be interested in that information would result in a significant need for additional human resources and potentially other resources. This bill goes much deeper than what was talked about today.

SENATOR ELLISON:
I am looking at the fiscal note, which says zero; but now, at the last minute, there might be a burden. The city has a responsibility for any kind of new infrastructure that goes into the city, no matter where it is; could be in Las Vegas, Fernley, Fallon, just about anywhere. But when they do new construction, do you approve the plans? Do you approve permits of wastewater treatment plants, runoffs or whatever? If it's not you, then who does?

MS. CARR:
For the areas of State and federal law that are under our authority, yes, we do various types of plan reviews for things like wastewater treatment plants. We don't handle the buildings themselves or building design review; that is up to the building departments and inspectors at the local level. Our purview includes discharge to the environment and how it is collected, treated and handled. In this particular instance, the event occurred outside the building. The cities do the building, infrastructure, water lines and sewer lines. By that point in time, it's gotten to a facility which is approved by you guys, and by that point in time, you hope there's no break, spill or anything like the event we are talking about. In this case, the wastewater was under our purview, but not the building.

SENATOR ELLISON:
Okay, so once it leaves the building, the city is responsible, and at that point you hope there's no spill or leak. I would like to see what the fiscal note would be.

MS. CARR:
The fiscal note was finished yesterday, or the day before, and does represent zero. That is based on the original bill as introduced. The proposed amendment is causing us to reconsider the financial, administrative and human resource burden that the amendment would garner.

Some of the back-and-forth testimony has focused largely on the Truckee River and the Truckee River Basin. Redistribution of information is not as simple as just one basin and incident and multiple entities who might be interested. I appreciate the comments made by the committee regarding how S.B. 276 could get more complicated when you include other parts of the State. This bill addresses all waters of the State, including groundwater as mentioned. When I testified in a prior hearing this year, I learned there could be room for improving

existing law and sometimes tweaks are warranted. There are pieces of Section 3, subsection 1 in S.B. 276 that could be woven into existing State law regarding reporting—particularly in NRS 445A.660—as mentioned by Mr. Drozdoff. We are happy to work with the bill sponsors on things like that.

Also, NRS 233A.260 created policy to promote communication between state agencies and tribal governments. The DNAA authored the bill and executors of that document, which applies to my agency. It's my responsibility to ensure that we communicate with the tribes when making decisions and when certain things are occurring. Again, existing laws are already in place to address communications between state agencies and tribes. I also appreciate Senator Cruz-Crawford's observations that there is existing law. I would like to work with the laws we have, and see where we can improve on them, or interweave them to get where we need to be.

SENATOR HANSEN:
If there are laws in place now, they are not being followed. Something happened; I have a few thousand people on an Indian reservation who received two million gallons of sewage in their drinking water supply, and somehow nobody notified them of that. It is totally reasonable for them to say, "What the hell happened?" Then, we have all sorts of government agencies out there saying, well you know, it's somebody else's, or this or that.

What we are trying to do with S.B. 276 is say who is accountable, and ensure that when this sort of stuff happens the people downstream—in this case, a very small Indian tribe; totally at the mercy of everybody upstream in Reno and Sparks—is properly notified. That is the goal of this thing. We'll work on amendments to the bill and make it work. You can see there's a certain amount of passing the buck here. If there are already laws in place, then what happened? How did this event end up happening with nobody being notified? That is the goal for me on this thing. Mr. Adler is going to work aggressively to make sure we get the amendments done.

CHAIR CRUZ-CRAWFORD:
I will close the hearing on S.B. 276 and open the hearing on S.B. 286.

SENATE BILL 286: Establishes provisions relating to tribal communication, cooperation and consultation when engaged in certain planning processes. (BDR 26-392)

SENATOR SCHEIBLE (Senatorial District No. 9):
It's like you planned to have these two bills heard together along with the presentation from DNAA. Senate Bill 286 addresses the importance of communication between local governments, tribal governments and state agencies. During this past interim, I had the honor of serving on the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources, better known as the Public Lands Subcommittee. The subcommittee is privileged to hold their meetings in Nevada rural areas, and one of our meetings was held on tribal land in Schurz, Nevada. We were graciously hosted by the Walker River Paiute Tribe and both Senator Hansen and Assemblymember Alexis M. Hansen, who visited us that day.

During the meeting, we learned about the most pressing issues for Nevada's tribal communities. Throughout the interim, we heard that communication, cooperation and consultation are extremely important; especially as it relates to how tribal, public and state lands interact with various stakeholders. The subcommittee received valuable insights from tribal representative Marissa Weaselboy. Ms. Weaselboy is an enrolled citizen of the Newe Sogobia Shoshone Tribe and was recommended for appointment to the subcommittee by the ITCN. She is an incredibly smart, driven young woman, and her insights were respected by all on the subcommittee.

I hope this bill passes the Senate, and Ms. Weaselboy is able to co-present this bill to the Assembly. Her comments during our work sessions ultimately led to the creation of this bill. I will briefly walk through the sections of S.B. 286. Section 1 declares that tribal governments and tribal members should be consulted when local governments are engaged in planning, particularly when projects are being planned on state or public lands. The provision aims to integrate tribal perspectives into decision-making processes and ensure that local knowledge is valued and respected.

Section 2 defines tribal government as a "federally recognized American Indian tribe" as outlined in Title 25 C.F.R. §§ 83.1 through 83.12. This definition provides clarity on which entities are considered tribal governments for the purposes of the State and Local Government Cooperation Act (SLGCA).

Section 3 renames the SLGCA to the State, Local and Tribal Government Cooperation Act. This change reflects the bill's intent to expand cooperation,

communication and include tribal governments to foster a more inclusive approach to planning and decision making.

Section 4 applies the definitions from existing law, along with the new definition of tribal government to the provisions of said act. This ensures consistency in terminology and application across all relevant sections of law.

Section 5 requires state agencies and local governments to inform, solicit comments from, and consider the perspectives of tribal governments, when adopting or amending certain plans. The section also mandates that state agencies and local governments work to make their plans consistent with those of tribal governments, when possible.

Section 6 clarifies that the provisions of the State, Local and Tribal Government Cooperation Act do not limit the power of state agencies or local governments to carry out their statutory duties and responsibilities ensuring that while cooperation is encouraged, existing legal obligations remain unchanged.

Finally, section 7 addresses the fiscal implications by stating that the provisions of NRS 354.599 do not apply to additional expenses incurred by local governments related to this bill.

SENATOR PAZINA:
I was watching the subcommittee meeting when this bill was brought up and, if nothing else, today's hearing on S.B. 276 really showed us the importance of communicating with our tribal liaison. Thank you for bringing this bill, and I look forward to voting for it.

SENATOR ELLISON:
I have spent a lot of time in different areas of Nevada: Humboldt, Winnemucca and Elko Counties, and I still do a lot of work up there. Can you tell me of anything specific you can hit on where the State went in and started building on tribal lands without their permission, talking to them or letting them know?

SENATOR SCHEIBLE:
Unlike S.B. 276, this bill is not a direct response to a particularly egregious incident. The concerns are less about building on tribal lands and more about land that is immediately adjacent to, or in communities where tribal members

live. Projects are sometimes undertaken on public lands that abut tribal lands, or that affect the waterways of a tribe without consulting that tribe first.

Senate Bill 286 is not about preventing local governments from doing those projects or slowing down the projects. The purpose of the bill is to bring the tribes in, to sit at the table and say, "Here's a good timeline to do this project" or "Now that we know this is going on, we can inform our tribe that there's going to be construction on the road," and including them in the conversation. I think we will all be better for it.

SENATOR ELLISON:
That is what I was hoping you were going to say. I do have some roads down in the south that the county needs to get to and finish.

The counties and tribes need to get together to get the roads done somehow. Involve the federal government, or whoever else we need to maintain the roads, because there's a small colony up there. The roads there are awful, so I'm glad you brought this bill forward, and maybe we can get people in this area to talk.

CHAIR CRUZ-CRAWFORD
I appreciate the thoughtfulness that went into this bill, which is near and dear to my heart.

CLIFF BANUELES (Tribal-State Environmental Liaison; Inter-Tribal Council of Nevada):
I work with NDEP. I am also a member of the Te-Moak Tribe of the Western Shoshone. Today, my testimony is on behalf of the ITCN and not for any specific member tribes. The ITCN strongly supports S.B. 286. The proposed language and changes to NRS 321.640 under the bill are from the input of ITCN representatives on the subcommittee. Ms. Weaselboy of the Newe Sogobia Shoshone Tribe attended the meeting last summer in Eureka. At the meeting, the subcommittee found her comments so relevant, they stopped the meeting so they could meet with her and document suggestions she made, resulting in S.B. 286.

The Inter-Tribal Council believes any fiscal impact would be minimal, especially with the option of virtual meetings. Our only suggestion is that there is already an existing state policy to promote collaboration between state agencies and Indian tribes borne out of A.B. No. 264 of the 80th Session. We suggest that in

Section 1, subsection 6, paragraph (b), the state policy should be referred to as a basis for "consultation" and "coordination" to support statewide policy uniformity, instead of using the words "consult" and "coordinate," to avoid confusion.

The proposed bill is a good, measurable example of the importance of communicating with tribes, and supports the importance of having tribal representatives on state committees. The ITCN supports well-planned expediency in planning, construction and clarity on delegation of authorities to complete important projects that benefit all citizens of this great nation. The council strongly supports S.B. 286 as written.

MS. CABRERA-GEORGESON:
We support S.B. 286. As the original stewards of the land, indigenous communities have a wealth of knowledge to provide valuable insights to guide conservation efforts and ensure environmental sustainability. This is a vital step in honoring tribal rights, fostering collaboration and achieving a more effective and inclusive land-planning process. We urge the committee's support.

VINNY SPOTLESON (Chapter Chair, Sierra Club Toiyabe Chapter):
I echo support for this legislation. My experience has been mostly working with the Southern Paiute Tribes in Southern Nevada, and we have seen problems arise from the lack of communication and consultation from various agencies, especially on those lands that are important to tribal communities but are not necessarily located on their reservations. Senate Bill 286 would go a long way toward preventing problems and include tribes in those conversations upfront and earlier in the process.

JAINA MOAN (External Affairs Director, The Nature Conservancy):
I am the external affairs director for The Nature Conservancy in Nevada, also known as TNC. For the past decade, The Nature Conservancy has been working to understand the impacts of energy infrastructure development to communities and ecosystems.

In 2022, we produced a report called *Voices from the West,* which summarized the findings of interviews on energy development with tribal energy professionals on or adjacent to tribal lands. One finding was that tribes are often not adequately informed of and are left out of decision-making processes for energy projects that impact lands and waters important to their economies and

cultures. In our Nevada chapter, we met with some of Nevada's tribal communities about their experiences with solar, wind and geothermal developments proposed near their reservation lands or on lands that have culturally significant lifeways.

We heard similar messages in conversations that tribes are frequently not informed of projects in a timely manner and are not given a meaningful place at the table. We support S.B. 286 because it is important to recognize the knowledge, needs and interests of our tribal communities in decisions about project development on public lands. Our indigenous communities have a deep understanding, the wisdom and knowledge of the lands and waters in our State. We support policies that ensure communication, cooperation and consultation with them and decisions that impact those resources.

MR. WADSWORTH:
The tribe supports S.B. 286. We want to always be at the table. Communication has obviously been a problem in the past, as we have heard all day. We echo many of the same comments that everybody else has already said. It is just common sense because reservation boundaries are drawn and are not based on traditional tribal ideas. The best example I can give, of course, is Pyramid Lake. We have the oldest petroglyphs in North America, and there are other petroglyphs off the reservation boundary. We are very proud of that. There are also some right here in Sparks; in fact, they are all over Nevada. It just makes sense to communicate what is going on with encroachment as it comes on to reservations.

MS. MARTINEZ:
I am the former chairman of the West River Paiute Tribe located in Schurz, Nevada, and a tribal citizen. I support S.B. 286 because consulting Native American tribes in Nevada is essential. Tribes possess invaluable technical, traditional and ecological knowledge and a deep understanding of the land's historical and cultural significance. Their expertise in sustainable land management practices can enhance planning processes and ensure that environmental considerations are prioritized. Acknowledging Native perspectives fosters collaboration and promotes the best interests of the State, land and ecosystems. Involving the original stewards of our land helps create a more holistic and effective approach to land management and conservation.

JERMAREON WILLIAMS (Western Resource Advocates):
I have submitted a letter of support (Exhibit F) that I will read into the record. I would also like to ditto a lot of the testimony that you have heard so far. Tribal communities are a crucial voice in Nevada and provide needed expertise to ensure we are creating rational plans moving forward. We would like to voice our strong support for S.B. 286.

CHAIR CRUZ-CRAWFORD:
I will close the hearing on this bill. We have a remaining order of business S.B. 108. I will entertain an action to refer S.B. 108 to the Senate Finance Committee.

SENATE BILL 108: Revises provisions governing the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program. (BDR 48-88)

SENATOR SCHEIBLE:
I make a motion to refer S.B. 108 to the Senate Committee on Finance because it concerns the contingency account. I think it's important that we give the finance staff the opportunity to review and discuss the bill in the committee that is most qualified to handle the questions that it raises.

SENATE SCHEIBLE MOVED TO REFER S.B. 108 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

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CHAIR CRUZ-CRAWFORD:
An Information Sheet on S.B. 286 (Exhibit G) was also submitted to the Committee by Anne Macquarie and Cathy Fulkerson. As there is no public comment, the meeting is adjourned at 5:08 p.m.

RESPECTFULLY SUBMITTED:

_____
Cherie Dittler,
Committee Secretary

APPROVED BY:

_____
Senator Michelee Cruz-Crawford, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster
S.B. 276	C	2	Stacey Montooth/ Nevada Department of Native American Affairs	Presentation: Agency Overview
S.B. 276	D	10	Will Adler/Pyramid Lake Paiute Tribe	Conceptual Amendment
S.B. 276	E	17	Jeffrey Kinder/ State Department of Conservation and Natural Resources	Testimony
S.B. 286	F	25	Senator Cruz-Crawford	Jermareon Williams, Western Resource Advocates Letter in Support
S.B. 286	G	26	Senator Cruz-Crawford	Anne Macqurie, Cathy Fulkerson Information Sheet