NEVADA LEGISLATURE
JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

(*Nevada Revised Statutes* [NRS] 218E.320)

MINUTES

February 29, 2024

The second meeting of the Joint Interim Standing Committee on Natural Resources for the 2023–2024 Interim was held on Thursday, February 29, 2024, at 9 a.m. in Room 4412, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 4100, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's meeting page. The audio or video recording may also be found at https://www.leg.state.nv.us/Video/. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN PRIMARY LOCATION:

Senator Julie Pazina, Chair
Senator Melanie Scheible
Assemblywoman Venicia Considine (Alternate for Assemblywoman Shannon Bilbray-Axelrod)

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Natha C. Anderson, Vice Chair
Senator Pete Goicoechea
Assemblyman Rich DeLong
Assemblywoman Selena La Rue Hatch

COMMITTEE MEMBER ATTENDING REMOTELY:

Assemblyman Bert Gurr

COMMITTEE MEMBER ABSENT:

Assemblywoman Shannon Bilbray-Axelrod (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jann Stinnesbeck, Principal Policy Analyst, Research Division
Becky Peratt, Senior Policy Analyst, Research Division
Lisa Creamer, Senior Research Policy Assistant, Research Division
Erin Sturdivant, Senior Principal Deputy Legislative Counsel, Legal Division
Jeffrey Chronister, Deputy Legislative Counsel, Legal Division
Adam Drost, Principal Program Analyst, Fiscal Analysis Division

Items taken out of sequence during the meeting have been placed in agenda order.
[Indicate a summary of comments.]

AGENDA ITEM I—OPENING REMARKS

Chair Pazina:

Good morning, everyone and welcome. It is our second meeting of the Joint Interim Standing Committee (JISC) on Natural Resources.

[Chair Pazina asked the secretary to call the roll and noted Assemblywoman Considine was serving as an alternate for Assemblywoman Bilbray-Axelrod.]

Our agenda today will include quite a few presentations: an update on water conservation efforts in Southern Nevada as they relate to the implementation of Assembly Bill 220 from last session (2023); a presentation on the State's management of water resources after the recent Nevada Supreme Court decision; presentations on efforts around the country and in Nevada to address Per- and Polyfluoroalkyl Substances (PFAS); a presentation from the University Nevada, Reno (UNR) on the Nevada Agricultural Experiment Station and their Cooperative Extension programs; regenerative agricultural practices; and finally, food production and food security in Nevada and an update on the Home Feeds Nevada Program.

[Chair Pazina noted the public can receive electronic notifications of the Committee's agendas, minutes, and final report by signing up on the Nevada Legislature's website. She also discussed meeting guidelines for Committee members, presenters, and those providing public comment.]

AGENDA ITEM II—PUBLIC COMMENT

[Chair Pazina called for public comment.]

Sheila Bray, UNR:

We would just like to show our support for Item X today, which is going to discuss the Home Feeds Nevada Program. We work diligently with a number of different small agriculture producers here in Southern Nevada to help out with food insecurity and food access through a number of different food pantries. We also work in Northern Nevada and provide 20,000 pounds of ground beef every month through our Wolf Pack Meats Initiative, which Dean Payne will talk a little bit more about today in our College of Agriculture, Biotechnology & Natural Resources (CABNR) presentation. We want to show our support for that program and how we have seen it benefit Nevadans.

Lea Case, Belz & Case Government Affairs, Representing the American Heart Association:

The Heart Association supports the Home Feeds Nevada Program. This is my first time advocating for this Program, so I had a lot of opportunity to look at the history. When SB 370 passed in 2021, it was not given any financial support. The American Rescue Plan Act of 2021 (ARPA) funding that was given to this Program totaled $2 million, and with that, over 2 million pounds of food has been collected from Nevada agriculture producers and distributed to Nevadans. This is a huge return on investment for Nevada. It is an economic stimulus for our agricultural communities, and it is fantastic for Nevadans—so just wanted to continue the support for Home Feeds Nevada and look for the Governor and the 83rd Legislative Session to fund and continue the Program. Madam Chair, with your indulgence for one second—my three-year-old daughter, Charlotte, is at the Boys and Girls Club's

Smart Start pre-K program, and they are watching this feed live now. So, hi Charlotte; and hi Jamie, Britney, and Michelle—her teachers. Thank you for that. I appreciate you.

Chair Pazina:

Ms. Case and Charlotte, we are so happy you are watching this morning. Welcome from the Natural Resources Committee.

Karen Boeger, Founding Member, Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses (CHNL):

I am a founding member of CHNL and speaking to you for them. Tina Nappe (CHNL Working Group) sent in, on Monday, public comment, which is in your records (Agenda Item II A). Unfortunately, we sent a second one yesterday morning (Agenda Item II B)—a little too late to be included in your record, but hopefully you may have already seen it, or you soon shall. In essence, Tina's letter (Agenda Item II A) stated that it is time for the State of Nevada to express its concern and support for removing excess wild and free-roaming horses in Nevada. We gave two suggested asks, one of which was to please send a letter from the Committee to the Bureau of Land Management (BLM) Director, Tracy Stone-Manning. We are giving you, in our second letter (Agenda Item II B), a good idea for how to fulfill that in an easy way. We sent a sign-on letter to Director Stone-Manning (Agenda Item II B) back in December with 49 signatories, and we are still collecting signatures—the latest from the Sagebrush Ecosystem Council this last week, but there are many others still in consideration. We ask that you please read the letter, have a discussion about it, and consider adding your signature to the many ones that are continuing to pile up. The second ask was to do legislation expressing your support for removing excess horses. To help you do that, we also sent you a letter February 6 (Agenda Item II B) expressing the hope that you would put a number of your meetings—

Chair Pazina:

We have surpassed the two minutes. If you can quickly finish up—we would love to allow you to.

Ms. Boeger:

Well, hopefully, you will consider putting meetings, particularly, in one or more of the seven counties that expressed an emergency situation on their properties. We recognize it is expensive but essential action in order to fully understand and address the urgent issue by having boots on the ground and talking to the stakeholders affected out there. Thank you so much for your dedicated public service for Nevada's natural resources and public lands—our savings account for the future.

Pam Harrington, Natural Resources Officer, Lander County:

To follow up with what Karen Boeger just mentioned, I have written testimony here for you (Agenda Item II C). Lander County is experiencing a crisis situation regarding the management of wild horses in our County. Wild horses double in population every four years. Only starvation, dehydration, and snowbound conditions have reduced populations. This management is cruel, and the horses suffer along with the wildlife that are impacted negatively from this overpopulation. We have had a gather to reduce numbers. We have not had a gather since 2011. That is 13 years with every four years—they are doubling. Our best-case herd management area has 205 percent above the appropriate management level, and our worst is 9,800 percent above the appropriate management

level. Unfortunately, Lander is not the only county with these conditions, and you are likely aware—seven Nevada counties have declared state of emergencies for wild horse and burro management. Some producers in Lander County have been asked to endure voluntary nonuse of their grazing allotments and keep stock water tanks full for horses during drought conditions. This places a hardship on them and wildlife. So here is the deal, we are inviting the JISC on Natural Resources' members to hold one of your meetings in Battle Mountain, and we will provide you a tour so you can witness the overpopulation of horses yourself. Thank you so much.

Chair Pazina:

[Chair Pazina called for further public comment; there was none.]

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON JANUARY 29, 2024

Chair Pazina:

I would like to move us to Item III—approval of the minutes for the meeting on January 29. Committee members, you should have all received the minutes and had some time to review them. Are there any questions or concerns from the Committee? Seeing none, do I have a motion to approve the minutes of January 29, 2024?

VICE CHAIR ANDERSON MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON JANUARY 29, 2024.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

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AGENDA ITEM IV—UPDATES ON WATER CONSERVATION EFFORTS AND THE IMPLEMENTATION OF ASSEMBLY BILL 220 (2023) IN SOUTHERN NEVADA

Chair Pazina:

That will move us to the next item on our agenda, Item IV—updates on water conservation efforts and the implementation of AB 220 in Southern Nevada. For our first presentation today, we will hear from the Southern Nevada Water Authority (SNWA) to provide an update on the status of AB 220—a water conservation omnibus bill—which many members of this Committee, and our colleagues on Natural Resources this past session, worked extraordinarily hard on. I would like to thank everyone for their work over the past session and, of course, SNWA for providing so much effort into answering all of our questions on AB 220 during the session. We have Ms. Colby Pellegrino, SNWA Deputy General Manager for Resources and Mr. Andy Belanger, SNWA's Director of Public Services, joining us today here in Las Vegas. It looks like we have a guest joining as well—always good to see you too.

Colby Pellegrino, Deputy General Manager, Resources, SNWA:

I am here today to give you an update of where we are at on all fronts (Agenda Item IV). Starting with the Colorado River—that is over 90 percent of the supply for Southern Nevada. About seven out of every ten residents live in our service area, and our primary source of

supply continues to be depleted by drought and climate change that has affected the River for over the last 20 years.

When we look at inflow on the Colorado River, we got a blessing last year, and our inflows were significantly above average. If we look at this chart of historical inflow over the last 20 years, you can see that the really wet years are usually followed by a couple of really nasty, dry years. It helped, but it is not the panacea that we need on the River.

If you look at this next slide, and this is the storage in Lake Powell and Lake Mead fluctuating throughout time, right before the gray shaded bar on the right you see an uptick in storage in both reservoirs; that was the wet winter last year. It was good—it helped—it moved the lakes in the right direction, but you can see that we did not significantly recover storage. With the below average year this year, we are continuing to see both reservoirs decline.

Our snowpack—these numbers are a little bit old because of the Committee timelines. We have improved slightly, but we had that 160-plus percent of average year last year, and this year is looking like average snowpack and in the high 70th percentile runoff and snowpack on the Colorado River.

The River, as we all know, is shared by seven states and Mexico. About 40 million people rely on the Colorado River, 30 tribes, over 5 million acres of irrigated farmland, along with a whole host of natural things that we love.

All of our policy on the River is expiring in 2026. In earnest, we began negotiations on the next round of operating criteria for a river. We are hoping to be able to better address climate change to be more responsive to the system's conditions. We know we are going to have to take more reductions more often in order to manage the dwindling supply of the Colorado River with all of the existing demands.

Southern Nevada has been, for over two decades, actively taking on a water conservation role. This chart shows where our consumptive use of Colorado River was heading into the 2015-2020 time frame. As you can see, we are still slowly stepping up our Colorado River water use except for that really rainy year we had in 2019.

Our Board came together and adopted a new water conservation goal in 2020, and since that time, we have gone on an all-fronts war against wasteful water in our valley to help make the community more sustainable. Many of these programs you have heard about, so I will not go into them individually. My purpose here is to say outdoor water use is the number one way that we use water in Southern Nevada. We are recycling everything indoors and in every possible way that we can take on that water use and manage it to meet our water conservation goal that we are doing with your help, and on our own, with the help of our local municipalities.

State law required the removal of nonfunctional grass in Clark County by 2026. That was AB 356 (2021). We are well underway in implementing this turf removal and continue in that regard.

Thanks to a State grant, we temporarily increased our incentive for homeowners. These are not subject to the mandatory removal, but landscaping costs are getting more expensive like everything else, so we wanted to make it more affordable for our homeowners to make these conversions as well.

We have been on track to meet our residential goal and, in fact, we have been exceeding it with the amount of turf we removed—over 5 million acre-feet of turf removed in 2023, saving over 315 million gallons annually. Our non-single family—this is primarily the people affected by AB 356—a little bit behind our benchmark, but they have until 2026 to get this turf removed, and we expect to see a lot more conversions coming in the future. Still, over 7 million square feet of grass removed under the program last year.

New rebates and grants will help fund existing evaporative cooling conversions to technology that uses less water and, beginning in September of 2023, you can no longer install new evaporative cooling in new construction in Southern Nevada.

To go along with all of this, we have implemented a new rebate for trees. We know the urban heat island effect plagues all urban cities, that our streets and our roofs capture heat, hold it in, make the cities hotter at night than the surrounding areas. One of the ways to help that is with shade. Through our landscape conversion program, we are offering an additional incentive to plant trees. We will pay extra money for every tree that goes into a landscape conversion.

All of these things together—it showed you the more shaded bars on the left—and now if we look at our use on the right, we are seeing it move in the right direction. We are continuing to grow our economy. We are continuing to add new homes and businesses. We are continuing to face increased temperatures, and our water use is going down significantly at the same time.

For 2024, we really remain focused on our Colorado River negotiations, continuing to meet our water conservation goal, and supporting the existing programs that we have in the implementation of the existing law.

Assembly Bill 220 is the next part that we want to update on. This included provisions for septic systems in the Las Vegas Valley; some water conservation efforts related to the Colorado River, specifically, how we develop in the outlying areas; and a Septic to Sewage Conversion Program (SSCP) for well owners who are also connecting to municipal water.

So far on AB 220's implementation, our Board approved the voluntary SSCP in July of 2023. We have entered into various grants, including with the Bureau of Reclamation, for that program. Also, in November, we adopted a resolution requiring no turf on property served by the Colorado River water, excepting schools and parks. In progress, we are working to put the WaterSense landscape irrigation fixture requirement into code for new development, and we are working to continue to establish that irrigation efficiency monitoring program for our nonsingle family properties.

As far as septic conversions go, we continue to work with the Southern Nevada Health District on an interlocal agreement for a fully funded SSCP that is voluntary. We would manage the properties and the contractors directly as the SNWA through an interlocal agreement. We have over 450 interested properties today, and we are focusing on issues on areas that we have known groundwater issues. Right now, we have about $11 million in grants that we intend to apply to jumpstart this program once all those interlocal agreements are in place. Our partially funded program covers 85 percent of the cost for conversion up to $40,000. Our property owners are able to manage the construction themselves. We do not have to manage them because our grant restrictions require us to have all sorts of monitoring needed on the other program that we do not need here. We are able to establish eligible costs, and we have completed a couple of these already.

Here is a list of the stats on what we have done through our partially funded program. The number of submitted applications always significantly lags the people that move on to the next step. We get a lot of curiosity inquiries, but then it just takes a while sometimes for people to get their plans in place. We have five municipal water users approved and three on the Groundwater Management Program, and we have completed six of those eight approvals to date—funding about $180,000 in cost.

There was also an emergency water use limitation that was included in AB 220 to help us further manage demand if we entered into a crisis on the Colorado River. That goes into effect if Nevada's Colorado River allocation is reduced to less than 270,000 acre-feet. Right now, our allocation is currently 279,000 acre-feet, so we are above that limitation. It will not go into effect in 2024. I would say the good news highlight is that our water use for 2023 was 188,000 acre-feet. Even if this provision were eligible today, at this point in time, we have managed our water use where those sorts of emergency measures are not necessary at this time.

With that, I will take any questions that you might have.

Vice Chair Anderson:

I have a question about slide 19, and it has to do with the irrigation water efficiency programs that are planned for the future. Would that be approved through the county, or is that something that you are working with other entities about with different grant areas? Just wondering how that approval stage would take place.

Andy Belanger, Director of Public Services, SNWA:

That program would be established by the Water Authority Board and the Water Authority. Assembly Bill 220 authorizes the SNWA to establish the Water Efficiency Monitoring Program. We worked during session to provide an additional year for participants to do that and for us to establish that program, so we have some time to do that. That is one of the things that we will work on in the next year, and then notify those property owners.

Chair Pazina:

How much interest have you had, looking ahead, in regards to the septic conversion?

Mr. Belanger:

We have seen quite a bit of interest from the community. There are a lot of people who want to get off of their septics. We are seeing that, particularly in areas where you have a high concentration of them. Sections 10 and 11 in the central part of Las Vegas is an area where we see a lot of interest in the program. I think the challenge is until we and the Health District have an interlocal agreement that actually sets up the fully funded program, everyone is in a holding pattern on that. We have been working with the Health District to get that program stood up. Frankly, once the Health District surveys the universe of known septic property owners, we will have a greater sense of participation because AB 220 creates the voluntary fee. Once they are notified that there is a fee, and to be eligible for the 100 percent they have to pay the fee, we will have a much greater sense of what that universe of participants are that want financial assistance. There are still city and county ordinances that mandate connection on the books right now when the properties are within 400 feet, so there is a requirement to get off of septics in local code. The question is how many property owners—how many septic owners—want to take advantage of the 100 percent assistance program and pay a fee? That question has not been asked or

answered yet, but we anticipate it will be in the first half of this year. We will be able to give you additional information once that is done.

Chair Pazina:

We will definitely look forward to that.

AGENDA ITEM V—PRESENTATION ON THE DECISION OF THE NEVADA SUPREME COURT RELATING TO THE AUTHORITY OF THE STATE ENGINEER TO MANAGE AND ADMINISTER WATER RESOURCES

[This agenda item was taken out of order.]

Chair Pazina:

We are going to go to Item V—the presentation on the decision of the Nevada Supreme Court relating to the authority of the state engineer to manage and administer water resources. We are going to have a presentation from Nevada's Division of Water Resources (DWR) to discuss the management and administration of the State's water resources and the aftermath of the recent case decided by the State Nevada Supreme Court. We have our State Engineer, Mr. Adam Sullivan, who will be joining us today along with Ms. Flatley from Carson City. We look forward to having you introduce yourselves and present when ready. I must say, Mr. Sullivan, I miss you. I felt like I saw you almost every day of my life during session. It is nice to see you again.

Adam Sullivan, P.E., State Engineer, DWR, State Department of Conservation and Natural Resources (DCNR):

It is good to be back. We are here to discuss a recent Nevada Supreme Court decision that was issued just this January regarding the authority of the State Engineer to administer water resources (Agenda Item V). This is significant because it has direct relationship to topics that have been the subject of recent proposed legislation and also presentations by our office to the Legislature about current water management challenges. This was a unanimous decision. In short, it affirmed State Engineer's authorities to protect water rights using best available science and to conjunctively manage interconnected sources of water.

Conjunctive management, as I am using it here, generally refers to settings where there is a connection between surface water and groundwater sources where there is depletion or a potential for conflict between surface water rights and groundwater rights. What do we do about it, and how do we avoid conflict with the least amount of harm? Many would say that this is squarely within the authority of the State Engineer and the DWR, but that authority has been questioned because water law is not explicit.

This map shows the area that was the subject of this Supreme Court decision. The Lower White River Flow System (LWRFS) is up to the northeast of Las Vegas, approximately 60 miles by 20 miles spanning Clark and Lincoln Counties. The geology is such that groundwater across the area is extraordinarily flat-water surface elevations—or the potency metric surface—and very closely connected. This is highly unusual for a region this large with multiple topographic basins. It is important because pumping within the LWRFS can have direct impacts on spring flow at the Warm Springs area, which is the headwaters of the Muddy River on the east—sort of central side of this image—flowing into that northern arm of Lake Mead. The Muddy River is a fully decreed surface water source, and the rights are all senior to groundwater rights within the LWRFS. State Engineer Order 1309 made a

determination of how much groundwater could be developed in the LWRFS without further decline in spring flow. The Order was appealed, which led to the Supreme Court decision, and now I will turn it over to Melissa Flatley to describe what exactly the decision says.

Melissa Flatley, Esq., Chief Administrative Law Judge, DWR, DCNR:

In our slides, we have taken quotes from the opinion. We have abbreviated the citations to just the page number, but the full-case citation is located at the bottom of the slide. In this opinion, the court recognized the authority for the State Engineer to delineate the LWRFS as a single hydrographic unit for conjunctive management and joint administration of multiple basins through a series of building on express and implied statutory authority. In step one, the Court used the plain language of NRS, primarily NRS 533.085, which prohibits impairment of vested water rights, and NRS 533.030, which recognizes that all statutorily granted water rights are given subject to existing rights. Taken together, the Court concluded that no statutorily granted water right may impair vested water rights.

In step two, the Court built on this statutory concept that vested rights must be free from impairment and inferred that it is necessary for the State Engineer to be able to determine, one, the amount of unappropriated water in the system considering both surface and groundwater and, two, consider the impacts of pumping on the surface water source. The State Engineer has the implied authority to conjunctively manage surface and groundwater and to jointly administer across multiple administrative basins based on the interconnected nature of that water.

The Court went on to support its findings of implied authority for conjunctive management and joint administration by looking to the legislative policy declarations contained in NRS 533.024, in particular, provisions sub 1(c) and (e) concerning the State Engineer's use of the best available science and rendering decisions and also to manage conjunctively the appropriation use and administration of all waters, saying, "Since the State Engineer must have the ability to conjunctively manage and jointly administer water sources across multiple basins, in order to prevent the impairment of senior vested rights under NRS 533.085 we hold that he has the implied statutory authority to do so."

Although the Court had identified these expressed and implied authorities, they went on to directly redress the respondent's argument that no statute authorizes the State Engineer to redefine, combine, or delineate previously established basins, and it reviewed "the multitude of statutory authority" that gave the State Engineer the power to conjunctively manage and jointly administer the subject basins. The Court said, "We take this opportunity to interpret each statute in turn in order to clarify the State Engineer's authority to conjunctively manage and jointly administrate water."

The first statute that they highlighted was NRS 534.080 because groundwater may only be appropriated after making the same considerations as appropriations of surface water in NRS 533.370. The Court said groundwater is also subject to nonimpairment of vested rights and is thus subject to conjunctive management and joint administration concepts.

The Court also acknowledged that it had previously addressed the concept of *conjunctive management*, although it had not used that term in its decision in *Eureka County v. State Engineer.* There, the Court held that groundwater appropriations that depletes springs were a conflict for purposes of determining whether water is available for appropriation under NRS 533.370. Thus, the Court had previously recognized the interconnected nature of surface water and groundwater. Although, as I said, they did not use the term *conjunctive management*.

The Court next looked to the authority for the State Engineer to designate an area as a basin and to conduct investigations in any basin, or portion thereof, as provided in NRS 534.030 and 534.110. The Court found it was appropriate to defer to the State Engineer's interpretation of *basin* as including an aquifer and thus concluded that the State Engineer may include multiple previously delineated basins as sub-basins when they are all pumping groundwater from that same aquifer. Once recognizing the LWRFS as a basin, the Court held the State Engineer shall conduct investigations in a basin to determine whether adequate groundwater supply exists for all permitted and vested rights under existing statutory authority.

The Court lastly addressed the State Engineer's rulemaking authority and designated basins. Designation occurs under NRS 534.120. The Supreme Court said Order 1309 was an appropriate method of rulemaking. In a footnote, they highlighted that one of the basins had not previously been designated; however, the other statutory authorities for the State Engineer to conjunctively manage and jointly administrate allowed Order 1309 to be effective in that basin as well.

Addressed primarily in a footnote, the Supreme Court said that the Endangered Species Act or avoiding liability for take of an endangered species cannot be used to impair an existing water right under various statutory authority. However, preservation of wildlife is part of the public interest considerations previously recognized in the Pyramid Lake Paiute Tribe decision, and it is properly considered by the State Engineer when considering availability of water for appropriation.

Finally, the Court found the respondents had received constitutionally adequate notice and an opportunity to be heard on factual issues related to Order 1309. The Court found there were no policy or management issues resolved in Order 1309, so there was no need for an opportunity to be heard on those matters. Because Order 1309 rescinded a portion of a prior interim order that reordered priority rights, the Court found that there had been no deprivation of property. Further, there was no loss of flow or a possible outcome of curtailment because Order 1309 was pure factual findings, so there was no additional due process element for that deprivation of property from loss of water flow.

Right now, after the opinion was issued, several parties have petitioned for rehearing by the Supreme Court. At this point, I have not seen anything from the Court on whether they will order a response to those petitions or how they may rule on that petition for rehearing, and I do not know a timeline on that. Until that happens, the decision will be at the Supreme Court. Once the petition for rehearing is determined, and the time period set forth in the rules has passed, it will be returned to the district court, and there will be further proceedings on whether Order 1309 is supported by substantial evidence. Of course, that decision would also be subject to appeal and stay. Only after Order 1309 is found to have been supported by substantial evidence, and if there is no stay preventing further action, at that point, the State Engineer will begin its Phase 2 process as was contemplated throughout the proceedings to address those policy and management questions that come about based on the factual findings set forth in Order 1309. We anticipate that that process will be comprised of a series of public meetings and evidentiary hearings regarding all of those many issues, including locations of pumping, seniority of rights within the LWRFS, and the use of water that has already been appropriated.

Mr. Sullivan:

Here is what I see as some important takeaways from this decision. First, the Supreme Court decision affirms the State Engineer’s authority to make decisions supported

by science to protect water rights and the public interest. The decision clarifies the State Engineer's implicit authority. It reinforces that what we are doing is the right thing to do. Secondly, it supports long-term water security for Nevada. As water is developed over time, we gain more knowledge about water available to meet long-term needs. We need to use this knowledge so water resources can be developed responsibly and minimize the risk for conflict or curtailment. Third, it resolves issues contemplated in AB 378 from the last legislative session. This bill proposed language about best available science and recognizing connections between surface water and groundwater sources. The ambiguity in law that led to AB 378 has now been clarified by this Supreme Court decision. As a closing thought, hydrogeologic setting is highly variable around the State. What works in the LWRFS is not necessarily what might work in the Walker River Basin or the Humbolt River Basin or the Death Valley Flow System or Amargosa Desert. Every area is unique, and this needs to be understood for accurate and effective conjunctive management.

With that, we would be happy to take any questions.

Vice Chair Anderson:

Thank you for the presentation on the lawsuit. I received a copy of it, had a chance to read through it, and was like, "I am not an attorney," so I am so happy somebody that is was able to explain it. As I look through your presentation on that "Still to Come," in particular, the administrative process and the review—I want to say it is towards the end of the presentation. Is that going to need more staff, or does that mean that an already smaller staff will have to be given even more work? How will that impact the other work that you have to do on a daily basis?

Mr. Sullivan:

There are many areas of responsibility where my reaction is, "We need more staff to be able to do this within a timely manner that is expected of us." I look at this process as part of our ordinary business, and it is part of what our responsibility is. It takes time; it takes a lot of expertise. Bringing on staff is part of the solution, but it is also really important that the staff that we have are given the time to learn what we do and a lot of the nuances and the importance of this work. The staff we have are fantastic. It is an honor to work with this group of people. I appreciate the question because I think as we go into the future, water resources are extraordinarily important for the State, and building out the staff for the Division is going to be important.

Vice Chair Anderson:

How many staff members do you currently have? Especially based upon your closing comment of the fluidity of places, and it is not going to be the same in the different areas. How many staff members do you have working on this at this time? Do you know, or you can also get back to us.

Mr. Sullivan:

Staff members specifically working on this issue? It is a little hard to say. There is a lot of inner-tie among our different sections and our field offices—maybe there is a half dozen people who have directly been involved in this particular case.

Senator Goicoechea:

The thing that really concerns me—and we were at the water conference a month ago—there were a number of attorneys there talking about it, and everybody seems to have a little bit of a difference of opinion. I think the key point in the decision was that it really reflects vested water rights, and this is what everything is. You really cannot impair prestatutory rights, and that is what this decision seems to be really based on. One thing that concerns me—we are four years out from hitting the deadline to file a vested water right, so where are we at until we have all our vested water right applications in place? The other thing, clearly, that really concerns me with this—and again, I am just asking you for some discussion and your position. I do not disagree. I do not think anyone disagrees. All your decisions have to be supported by science, but that is a problem. I think that goes right back to what Vice Chair Anderson was talking about. How much staff are you going to need to come up with the science to keep you from losing in Court? That is where we are, so if you want to respond to that, or if there is a response, I would appreciate it.

Mr. Sullivan:

Yes, with regard to claims of vested rights and adjudicating those rights. That is a heavy load; we share this with all western states—really similar issues. The deadline is important because we are talking about rights that were established before any of us were alive. As time goes on, we need to preserve those records and also understand what the commitments are or the claims to vested rights. That deadline is important, and I appreciate you bringing it up because it is something that we are trying to make publicly known, and if there are claims of vested rights that have not filed a claim yet, they need to do so. Secondly, with regard to staffing and the baseline science and having that foundation to make good decisions on—also a really good point—we are making a lot of headway now with the Nevada Water Initiative, which is a combined effort between the DWR, the United States Geolological Survey (USGS) Nevada Water Science Center, and the Desert Research Institute to update the baseline science. We have a great foundation from work that was done primarily by the USGS in the mid-20th century. It has been tremendously beneficial to where we are now, but we know a lot more now, so we can do better. I think the way to be responsive to that is to continue supporting the Nevada Water Initiative.

Ms. Flatley:

If I may add something—first, about that science portion, this Order came about as the result of a very robust hearing process with a lot of participation from the stakeholders and some very smart experts who shared a lot of really good information. That is something we have been working on developing in all of our hearings—having more hearings, first of all, and working on developing those records to support the decisions that the State Engineer is making. As Mr. Sullivan said, we do have the expertise on our staff to further evaluate the science that the participants bring into the hearing, but I think having the opportunity for more of that information to be shared through the process is critical to making sure that we are getting supportable decisions. That comes back to the Vice Chair's question on staffing and growing and supporting the Division as well, because right now, I am the hearing officer.

Second, I wanted to comment, Senator, about the intent of this opinion to protect vested rights. It is recognizing prior appropriation, generally. Seniority of water rights is the primary focus here in preventing conflict between those rights. They talk about vested rights here because that was what was at issue in the LWRFS, but I think we would not be

limited in conjunctive management where we are protecting any type of seniority process amongst rights.

Chair Pazina:

Did you have a follow-up?

Senator Goicoechea:

Just real quick—maybe more of a comment. The Supreme Court decision is out, and we all ran over to pull it out, and like my colleague here on my right, I am not an attorney. It says a lot, and a lot is in the interpretation. The Supreme Court decision is what it is, and it was unanimous, and we understand, but really, it is still like most water law—still a little bit gray and a little bit ambiguous, and there is plenty of room to sue. The bottom line is, I think your comments are right on point. We have got to render good decisions, and they have got to be, i.e., "your shop," and I would not want to take your job sideways. Adam, it is scary because you are going to get sued no matter what you do. We have to have the ability, and you have to have the staff and the expertise and the science in place that you can win, and that is where we are right today. I do not know what kind of numbers that is going to take. We are going back and working on 120 years of water law. Then we are going to go back even before that; we are going back to vested rights and let us establish them. I have said for a long time, a lot of your records are getting better, and you are updating them. But a lot of those are old, old documents, and now we are going to pile some more on top as people start finding new vested. The real bottom line is it is a Supreme Court decision, and I do not think anyone disagrees if you have the right science. Groundwater does impact surface water, if you have got enough science, otherwise, you are going to end up in court and argue it again. With that, any comment to that—it is a great decision. Good luck in court.

Chair Pazina:

Is there a comment on Senator Goicoechea's last question?

Ms. Flatley:

No, there is not, Chair.

Assemblywoman La Rue Hatch:

I have two questions, but I will start with the first one, which was in our Committee last session, and not just last session—for many sessions. We have heard a lot about overpumping and overallocating and these critical issues. I just wondered if you could speak to what kind of impact this decision might have on addressing those issues. I know it is still early days yet.

Mr. Sullivan:

I think the way this decision helps is that it clarifies authorities of our office. But as far as responding to those issues, it is very site specific. It is important to consider the hydrogeologic setting of different parts of the State, and so, going forward, I am starting with baseline data, including public outreach and science communication and a lot of public feedback about what the options are and what the constraints are and what water law allows is what we need to do over the long term to address those problems. That is what we

are doing within our resources where there are the most acute problems now. I think this decision helps affirm that what we are doing is the right thing.

Assemblywoman La Rue Hatch:

Because we are talking about water, and we just want to make everything complicated, let me throw a wrench in the works, which is with this new decision—thinking about the basin boundaries and how long ago they were drawn and how much the science has changed—does this mean that we should look at redrawing those boundaries? If yes, what would that process entail, and what would you need to make that process happen?

Mr. Sullivan:

I do not see that as an immediate priority. The boundaries are still valuable and important, and existing water rights are defined by what basin they are in. When we talk about changing those boundaries, it has to be done very carefully, and with a lot, again—public outreach and clarity about why that might need to be done and what the basis of that decision might be and what the impacts are. The boundaries were delineated in 1968 just based on topographic lines, but it is a really good basis for administering water rights and water law, so it is not something that we want to just dismiss and think, "We just need to update that." It is a good reminder that the boundaries are just lines on a map based on topographic breaks and does not necessarily represent the potential for conflict or connectivity between different sources and different individual water rights.

Assemblyman DeLong:

I will start off by saying I am not an attorney, but I find the case—or the decision—very interesting. The fact that it was unanimous is pretty definitive in my book. I think it brings clarity on certain issues, but I think on the flip side, it brings a lot of uncertainty depending on where you are talking about in the State. The clarity I think it provides is, yes, conjunctive management is statutorily authorized, and management of multiple basins is authorized. Depending on how that gets implemented in which part of the State has the ability to affect water rights, but it also has the ability to affect the economic activity in the State and providing jobs, providing tax revenue. I think that is the discussion that has not been had. I am not saying it is within your statutory jurisdiction, but from the Legislature's purview, that is an issue. I do not have an answer. I am just putting that out there because to me, that is the elephant in the room that we do not have a way to deal with yet. As it relates to the basin boundaries, those basin boundaries are very applicable for surface water rights because surface water only flows within individual basins unless those basins are drawn across a river such as the Humboldt or the LWRFS. Depending on the underlying geology, particularly in Southern Nevada, you have groundwater that flows between basin boundaries, so that underlying geology is critical to understanding the groundwater system. So not really a question, just some food for thought for everyone.

Ms. Flatley:

I would just say, Assemblyman, that Order 1309 was just the fact-finding part, and we are also struggling with those same management questions and what those tools are to address the consequences of the connected sources of water and the potential conflict between the rights. That is an open question for us.

Assemblyman DeLong:

I agree. How this policy is implemented—the proof is going to be in the pudding, so to speak, on what happens in the LWRFS or any of the other basins or multiple basins that the State Engineer is thinking about conjunctively managing.

Chair Pazina:

Any follow-up from our presenters?

Ms. Flatley:

No follow up. Thank you.

Chair Pazina:

One point for clarification I would make is on page 14 of the presentation. We mentioned AB 387, but it says AB 378 from 2023. I think there has been a lot of discussion around the Supreme Court decision, and it is so helpful to have a line of communication. I guess the question I would ask is, if a Nevadan water right holder came to your team scared and concerned about potential curtailment based on looking at ground versus surface water rights and how this will be affected based on this ruling, what would you tell them?

Ms. Flatley:

I think there are two points to respond to that. First is that all rights are subject to existing rights, so at any point in time, any water right that has been issued is always subject to prior existing rights. Second is that Order 1309 and the Supreme Court's decision did not make any decisions about what effect—what management decisions will come about is the effect of the water being connected. At this point, there is no discussion of curtailment because right now, we have only said the sources are connected. We do not know what the next steps will be to address the conflict between rights or how to manage the pumping of appropriated rights and use of surface water rights at this time.

Mr. Sullivan:

As a broader comment with regard to fear of curtailment—curtailment is something that is clearly allowed for in statute, but it is not the only way to resolve conflict. We need to be open to locally driven concepts for how to do it in better ways that are less harmful to the local economy and the water users and the communities that depend on water rather than just strict curtailment by priority. I see that as a last resort, and I think it is important to consider other alternatives.

Chair Pazina:

I think that will hopefully ease the mind of some water right holders who may be concerned in light of the recent verdict about what this means for them. Change can always be scary, especially when it comes to water, which I have learned over the course of last year chairing Natural Resources.

Do we have any other questions? [There were none.]

We really appreciate the open line of communication, having you come out and speak with us, and I am sure more questions will arise. We look forward to speaking with you in the future.

AGENDA ITEM VI—PRESENTATION ON EFFORTS AROUND THE COUNTRY TO ADDRESS NANO- AND MICROPLASTICS AND PER- AND POLYFLUOROALKYL SUBSTANCES

Chair Pazina:

We will open up Item VI on the agenda—the presentation on efforts around the country to address PFAS and micro- and nanoplastics.

Our next two agenda items pertain to PFAS. As many of you likely recall, last session, we passed Senate Bill 76 (2023), sponsored by Senator Neal, which, amongst other things, prohibited the sale and distribution of certain products containing intentionally added PFAS. The bill was vetoed, but we heard during our last meeting that PFAS legislation continues to be an area of interest to state legislatures around the country. We have learned that these are chemicals that stick around forever—it is why they are called the "forever chemicals"—and they are prevalent in a wide variety of products from carpeting to food packaging, to weather resistant coatings, and rubber and plastics.

In the interest of continuing to learn more about PFAS, I want to take up this topic during the interim. To that effect, we will first hear from Ms. Julia Meltzer, the Zero Waste Coordinator with the National Caucus of Environmental Legislators (NCEL) who will be speaking primarily about PFAS and other states' efforts pertaining to PFAS as well as other emerging contaminants such as micro- and nanoplastics.

Julia Meltzer, Zero Waste Coordinator, NCEL:

Today I will be speaking about PFAS and state legislation (Agenda Item VI). The NCEL is a nationwide network of more than 1,200 state legislators that coordinates shared learning and action on environmental issues. We connect legislators between states and with experts to share solutions and best practices. We are also nonpartisan, and we like to call ourselves the remote environmental staff. Our work consists of extensive outreach, state and regional events, and a national forum that brings together roughly 150 legislators from across the country.

The NCEL works on four program areas, and they include climate and energy, conservation, environmental health, and oceans. I am part of the environmental health team, and that team focuses on issues pertaining to sustainable agriculture, water quality, zero waste, plastic pollution, and toxic-chemical exposure. Environmental justice is incorporated throughout our program's work, and I have a special focus on it as I track environmental justice and cumulative-impacts policy.

What are PFAS? Well, as you mentioned, they are Per- and Polyfluoroalkyl Substances, and the EPA has identified more than 12,000 types. They are human made, and they have been used widely since the 1940s. Some of their key properties that have made them so popular are that they are heat, stain, water, and oil resistant as well as colorless, odorless, and tasteless, which leads to our challenge in detecting them. Of course, they are known colloquially as forever chemicals because they do not break down in the environment, and as you mentioned, there are major sources of exposure. Some of those include consumer products, food and drinking water. They are linked to a number of negative

health impacts including cancer, immune system disruption, reduced fertility, thyroid disease, and liver damage.

When we look at defining PFAS, they are generally defined as a class, and PFAS chemicals share a common trait—chains of carbon surrounded by fluorine, and that bond is very strong, which is what makes them difficult to break down. As you are aware, Nevada AB 97 (2021), a few years ago, defined PFAS as a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom. Defining PFAS as a class really helps avoid regrettable substitutions since there are literally thousands of types of PFAS. In this context, and despite broad consensus on this definition, I want to point out that there is a national push to change the definition of PFAS so certain manufacturers can continue using them in their products. For example, Indiana currently has a bill that would change the definition of PFAS, so this is something to keep an eye on.

As far as microplastics and nanoplastics, of course, they have an overlap with PFAS, but microplastics and nanoplastics are just small sizes of plastic. Microplastics are essentially less than 5 millimeters long. Some of those sources that you will find microplastics in are paint, personal care products, plastic pellets, textiles, and vehicle tire dust. California is a leader in regulating microplastics, and they have adopted a microplastics strategy. I encourage you to check that out if you are interested. There are at least two states—Michigan and Rhode Island—that are looking at policy this year that would restrict intentionally added microplastics in products like cleaners and cosmetics. Just to touch on nanoplastics, they are simply ever smaller pieces of plastic, which are too small to be identified by the human eye, and they are 1 micrometer and under. Plastics continue to break down in ever smaller pieces. Nanoplastics have not really entered into the policy realm yet.

As far as PFAS exposure, this is a great visual that gives you a sense of how all of these aspects are interconnected. Basically, food, air, water have been contaminated, globally, as a result of manufacturing releases and the use of PFAS-containing products. As I mentioned, we are exposed to PFAS in food. As we see, it moves through the agricultural system from indoor air and dust, as it is in residential homes and, in many cases, drinking water.

To get a sense of the state of state policy—over a number of years—we have this map, which gives you an idea of how widespread PFAS policy is. Thirty-three states have introduced 243 policies to protect people from these toxics, and twenty-eight states have adopted 139 policies. This is from Safer States, which is a partner organization. They have a lot of excellent information on PFAS.

As for the state policy outlook for 2024—again, this is from Safer States—there are at least 35 states that are looking to address PFAS this year. The analysis from Safer States suggests that PFAS could be banned in more uses than ever in 2024.

As we look at phasing out PFAS, the broadest policies that phase it out in multiple sectors are in Maine and Minnesota. These laws require disclosure of PFAS in all consumer products and ban PFAS in all products unless the use is necessary for public health or the functioning of society and alternatives are currently unavailable.

As we move into more specific regulation of PFAS—this one you are surely familiar with—firefighting foam and gear. There are different levels of regulation within that. Twelve states have put in place bans on the sale of firefighting foam containing PFAS, then we have eight states that require a disclosure on personal protective equipment, and three states

have banned the incineration of firefighting foam. Another important category is textiles, and there are eight states that have eliminated PFAS in various textile categories. And again, these can range from clothing/apparel to items in the home from carpets to textile treatments, to upholstered furniture.

Another category, which you will be discussing later, is water. The United States Environmental Protection Agency (EPA) has proposed drinking water standards for six PFAS chemicals. I believe those will be coming out in the coming months. Ten states have adopted maximum contaminant levels or enforceable standards for PFAS and drinking water. I highlight here the example of New Hampshire because not only did they set maximum contaminant levels, they enabled the Department of Environmental Services to make grants and loans to eligible municipalities, drinking water and wastewater systems, to address the contamination. That financial component is a notable addition. As we look at some of the other categories that are coming into view, there are six states that have eliminated PFAS chemicals in cosmetics. Twelve states have enacted phase outs of PFAS in food packaging. Another area that is emerging is the topic of PFAS in sewage sludge, also known as "biosolids," and Maine is the leader in that. They are the first in the nation to ban the spreading of sludge and sludge-derived compost as fertilizer.

Looking ahead, we are going to see more PFAS legislation covering a broad range of products from artificial turf to cookware, which is likely where many of you first heard of PFAS and Teflon, cleaning products, food packaging, kids' products, menstrual products, textiles including apparel, waxes and polishes, and many more. One of the key things to note is to create a stronger PFAS policy, it is important to capture manufacturing, not just the sale of those items within bans.

That is all. Feel free to reach out if you have any questions or would like to go into some more depth on these topics.

Assemblywoman La Rue Hatch:

My question is about the federal level. I know we cannot seem to rely on the feds to do a whole lot these days, but has there been anything done or looked at on a federal level to address this issue?

Ms. Meltzer:

Yes. Starting in 2021, the federal government came out with a *PFAS Strategic Roadmap*, and that is where they laid out this timeline for starting to regulate PFAS levels in drinking water, which I mentioned those new standards are likely to come out. I believe the deadline is September. It is mostly in terms of drinking water at the federal level thus far. That is why you see a lot of these states going into more of the other categories.

Chair Pazina:

Do we have any other questions from the committee? [There were none.]

AGENDA ITEM VII—PRESENTATION ON EFFORTS IN NEVADA TO ADDRESS PER- AND POLYFLUOROALKYL SUBSTANCES

Chair Pazina:

We are going to continue discussing PFAS on Item VII on the agenda. This will be a presentation on efforts in Nevada to address PFAS. We have Jennifer Carr, Administrator of

Nevada's Division of Environmental Protection (NDEP), and Andrea Seifert, Chief, Bureau of Safe Drinking Water, joining us from Carson City. Whenever you are ready, please introduce yourselves and proceed with the presentation.

Jennifer L. Carr, Administrator, NDEP, DCNR:

The last presentation did lay a bit of baseline of information for us, so we will segway into what NDEP is doing (Agenda Item VII). We are going to provide updates this morning on what we will call "PFAS" in Nevada, and we will answer any questions that any of the Members may have. You know, PFAS has been discussed in this legislative body, actively, at least for the last two sessions and has also been mentioned this morning. We are fine with calling it forever chemicals as well because that is what the American lingo is these days. Per- and Polyfluoroalkyl Substances does touch many areas of NDEP, but today, we will largely talk about efforts in the water sector, as it is the current focus of federal regulatory activity. It does potentially impact a number of our bureaus in the program.

For a timeline of what we have been doing—Nevada activities started by the EPA in 2013 as part of a monitoring effort that they did under the federal Unregulated Contaminant Monitoring Rule (UCMR 5) for PFAS. From the 2013 to 2015 monitoring that was done, there were no detections of PFAS in drinking water at the sites that were tested and at the analytical accuracy that laboratories could achieve at that time, so it was good news for us. Between 2016 and 2021, there was a significant amount of activity, nationally, to address PFAS. Some of these national efforts included: enhancing laboratory methods to analyze PFAS and detect their presence at lower levels; finding options for treating PFAS; researching public health risks; and work toward developing federal regulations, as was mentioned by the last presenter. The following passage of AB 97 here in Nevada in 2021, and using the EPA PFAS grant funding that we had achieved at that time, NDEP had created and managed a PFAS stakeholder working group to engage a very wide variety of individuals. We produced what is now the PFAS Action Plan in June of 2022. The Action Plan aided NDEP in focusing future efforts. In 2022 and 2023, using the PFAS Action Plan, NDEP has focused resources in four key areas: research and pursuit of federal grant funding options for NDEP's work as well as funding to benefit the regulated drinking water systems who will have to address PFAS; we have been sampling for PFAS in Nevada water and waste waters; we have been staying abreast of analytical methods and certified laboratories for PFAS analysis; and we have been working with utilities in response to PFAS findings that have started to emerge with a new sampling effort.

In response to the federal Bipartisan Infrastructure Law, NDEP has applied for various grants and will continue to do so. Awarded bill grants will be administered by different bureaus within NDEP, and it is notable that current grant awards to NDEP are for addressing emerging contaminants as a group, which include PFAS. Our grants—three grants currently—total over $61 million to help us address this issue in Nevada. At this time, I will turn the remaining portion of the presentation to Andrea Seifert, Chief of the NDEP Bureau of Safe Drinking Water.

Andrea Seifert, Chief, Bureau of Safe Drinking Water, NDEP, DCNR:

Developing the PFAS Action Plan allowed NDEP to bring stakeholders from multiple agencies, academia, and national organizations to the table to review research and discuss potential sources of PFAS contamination. Through sharing of knowledge, it was determined that Nevada has no known manufacturing of PFAS compounds, so PFAS environmental impacts are most likely due to their ubiquitous use. This includes discharges from wastewater treatment plants, leaching from landfills, runoff from areas where aqueous

film-forming foam (AFFF) was used, and industrial waste. Did the discharges eventually make it to the groundwater and surface water bodies, which are oftentimes sources of drinking water? In Nevada, sources that are likely to be contributing to PFAS contamination are wastewater treatment plants, septic systems, land application of biosolids, leaching from landfills, industrial waste, air emissions from industrial processes, and the historical use of AFFF at U.S. Department of Defense (DOD) sites and airports.

In 2022, Nevada had limited resources to begin reconnaissance sampling across the State to determine the extent of PFAS contamination. To maximize the federal grant money available, a sample prioritization tool was developed to identify initial sampling locations throughout the State that may be susceptible to PFAS contamination. The maps display the locations identified for sampling. The larger and darker dots indicate a higher potential for contamination based on the tool outputs. To rank the sampling priority, NDEP compared drinking water protection areas with locations of waste discharges and permitted facilities with the potential to use or release PFAS products. A score was given to each regulated drinking water source and ranked from highest to lowest with 12 points being the highest calculated value. These locations were then overlaid with water bodies like lakes and streams and wastewater facilities in the identified drinking water protection areas. The correlated water bodies and wastewater locations were added to the list. Those locations, with 5 to 12 points, were prioritized for voluntary sampling, which included 167 drinking water sites, 67 surface water bodies, and 52 wastewater sites. On the maps, you can see representative sites across the State were identified. As shown in the maps, on the right-hand side of the slide, there were a larger number of sites in the more heavily populated parts of the State, being the Reno/Sparks and Las Vegas areas.

The sampling in 2023 has provided NDEP and the regulated community with initial insight into the presence of PFAS across the State. There were two sources of data for the public water systems collected in 2023. First, the EPA scheduled specific water systems to collect samples under UCMR 5.

Secondly, under an NDEP contract using federal money, additional samples were collected at sites identified from the sample prioritization tool. Between the UCMR 5 and contractor sampling, 103 sources have been monitored at 31 public water systems. Nine sources show detections of PFAS in their groundwater wells. Of these, five sources are above a proposed PFAS standard, and these five sources impact four public water systems. Only one public water system has all sources indicating results above a proposed PFAS standard—the Canyon GID Water System, which has been in the local press recently. These results have provided NDEP the opportunity to work with local water utilities to address the next steps for their water systems. Some water systems have begun the process of notifying their customers and/or are looking at funding options to mitigate PFAS in the drinking water. For surface water bodies, there are 18 locations showing detections of PFAS; however, the results are below the draft aquatic life ambient water quality criteria. For wastewater, all but one location showed detections of PFAS. Sample sites included both influent and effluent samples from wastewater treatment plants. Detections are not surprising because wastewater treatment plants are not currently designed to remove PFAS, and PFAS consumer products are ubiquitous in our households.

As noted previously, one source of PFAS contamination in the State is the use of AFFF products. Class B firefighting foams are commercial surfactant solutions designed and used to combat class B flammable fuel fires, especially fires involving petroleum products or other flammable liquids. Class B foams can be divided into two categories: fluorinated foams that contain PFAS and fluorine-free foams—or F3—that do not contain PFAS. Assembly Bill 97, passed in the 2021 Legislative Session, generally prohibits the discharge, use, or release of

class B firefighting foam that contains intentionally added PFAS for the purpose of testing or firefighting training and requires reporting of discharges, uses, or releases of PFAS containing class B firefighting foams to NDEP. Inventories of AFFF products containing PFAS have been reported to the State Emergency Response Commission—or SERC. Nevada's Division of Environmental Protection does not have a role in establishing an AFFF take back program, but several states have initiated such activity, and discussion on this topic has begun through the SERC.

Moving into the future, NDEP has four focus areas: investigate; respond; prepare; and protect. To investigate, NDEP has additional contracts in process to expand sampling for PFAS and to develop a risk assessment tool to identify drinking water sources not impacted by PFAS and to predict which drinking water sources may be impacted by PFAS contamination. To respond, NDEP has identified funding opportunities and is beginning the process to enter into subgrants, contracts, and loan agreements with public water systems to develop engineering reports and infrastructure plans to mitigate PFAS contamination. To prepare, NDEP program staff are utilizing federal grants to prepare for a new PFAS final rule, which is anticipated to be released by the EPA this year. Additionally, efforts are being made to build analytical laboratory capacity for PFAS analysis. Staff continue to track and participate in federal rulemaking process. They are coordinating with other states and national associations to stay abreast of current research on PFAS on analytical methods, treatment technologies, and health effects. And to protect, Nevada's Division of Environmental Protection is developing strategies to protect drinking water sources from PFAS contamination. One specific effort is related to PFAS release reporting. Outreach to the regulated community will be conducted in the first quarter of 2024 according to the information provided in the PFAS Action Plan. This outreach will be in the form of a mass email to introduce the reporting requirements and to set a date for a virtual workshop to further explain the agency's expectations for PFAS release reporting and follow-up. At a minimum, it will be mandatory to report any use or release of class B firefighting foams containing PFAS and any release of PFAS to surface waters.

We appreciate the Committee's interest in NDEP's efforts related to PFAS, and we are now available for comments and questions.

Assemblyman DeLong:

Are any of the labs that are currently analyzing for PFAS at the detection limits that you are looking for, are they Nevada certified?

Ms. Seifert:

Yes, we do have Nevada certified labs. None of the laboratories are in Nevada, but we do certify for drinking water at this point in time.

Assemblyman DeLong:

Has there been any sampling done at the Stead Airport, which is a former military base?

Ms. Seifert:

Not from a drinking water source, but there are some samples in the general area that were included in the initial sampling. I am aware that there have been other sample efforts by other entities outside of NDEP.

Ms. Carr:

I will add to that as well. Remember when I mentioned that this PFAS issue will touch many parts of NDEP? The NDEP also overseas environmental issues related to the DOD out of our Bureau of Corrective Actions. That program has been engaged with the DOD on various facilities throughout Nevada, and there is data associated with those facilities.

Assemblywoman La Rue Hatch:

My question is on the sample results slide, and it said that there was a proposed standard of four public water systems. I just wondered what got you to that level of four. Was there a certain study or consultation, or was four just chosen randomly? If you could explain that process a little bit, that would be great.

Ms. Seifert:

I may be making an assumption, so please correct me if I am wrong. There were 103 sources that were monitored. Of those 103, there were four public water systems that are indicating results above the new PFAS proposed standards. The way we got there is related directly to the sample—the analytical results. There is one water system that has detections at two wells. I am not sure if the question is related to the five versus the four.

Assemblywoman La Rue Hatch:

That was the question; it is the five versus four.

Ms. Seifert:

The five is related to five wells. Three of them are in the Reno/Sparks area; one of them is in the Elko area; and another one of them is down in the Las Vegas area. There are two sources that one public water system has detections.

Assemblywoman Considine:

My question is on slide 6, having to do with the fire departments and the inventories of the AFFF. There is a mention about disposal, so I am curious if we know what that disposal process is. One of the things that I have been learning is that when we think that we contract with entities who dispose of things, they are really just repackaging and selling it. I know if we do not have a disposal process here yet—and we are doing it, and we are looking at how other states are doing it—are we understanding what their disposal process is?

Ms. Carr:

You touch on an interesting aspect of this overarching issue, which is the forever nature of these chemicals. There is a lot of discussion right now, nationally, about what it means to dispose of or destroy PFAS. It is very hard to break down, even with mechanical methods or chemical methods for treatment. We certainly do not necessarily want to take PFAS from one media and just put it in a different place. Disposal is certainly a question; the take back programs are working to resolve those. We are tracking those issues with the other states as well as the discussion that is going on at the SERC. I think there is more to come on that, but it is definitely a hot topic in the sector right now—actually what to do with the PFAS once you have got a hold of it.

Senator Goicoechea:

I am looking at the slide, and we are talking about the firefighting foam. On your slide, it shows a non-detect—I believe there at Carlin on the surface water. Clearly, we had the fire academy upstream three to four miles—significant foam used there over the years, and yet we have a non-detecting as per the slide in Carlin. I know it is speculation, but I would have thought if there was going to be a detect coming out of that fire academy, it should have happened. I know we had some issues there when it was performing as a fire academy, but it looks clean; the contamination appears to be far upstream.

Ms. Seifert:

It is one that we have been wondering about and why it was located as one of our high-priority sites to monitor at. My recollection is they are served water from a spring that may be above the location of where the firefighting training academy was located, but we were happy to see the results. Additional sampling will likely be taking place in and around those areas and we will be able to confirm what we found.

Senator Goicoechea:

I am pleased to see it as well.

Chair Pazina:

I was looking at the slide with the monitoring results. I do not remember what slide number that was, but I had two questions. One is, if there were any considerable results in any of the public drinking water locations—or sources—and two, if the people in those areas were notified, if there was a considerable concern in regard to PFAS?

Ms. Seifert:

Considerable results—we are highlighting the five where they had the detections above a proposed standard. We have been in communication with those five public water systems. There is no federal requirement for public notification, which is our way of requiring a public water system to provide that notification. In some ways, it has been voluntary, but the one water system—Canyon GID—we worked with that utility to develop a public outreach and communication tool, and they were very receptive to that and have notified their customers. Of all the results, theirs were the highest, and both of their sources were high, which means all of the water going out to the community in that location was containing PFAS at some concerning levels. The other utilities have multiple sources that they can manage. I am aware the small homeowners' association in the Las Vegas area notified their customers as well. Truckee Meadows Water Authority makes their data available to their customers. I am not sure what information has gone out in the City of Elko in their one source that was high.

Chair Pazina:

In the area that was higher, were mitigation techniques taken into place to try to lower it for the people living in that area who source their water there?

Ms. Seifert:

We are in communication with them. Mitigating the PFAS is not an overnight strategy or something they can do very quickly. They are working with an engineering firm right now

and working with us to get a subgrant to pay for their engineering services to start treating the water, and they informed their customers of these products on the market that are certified to remove PFAS, and so they have notified their customers that there are water-pitch filters and point-of-use devices that they could put on their faucets to help alleviate those interim concerns until they can get a full treatment installed and/or a new source found.

Ms. Carr:

I would imagine that some of these responses, at this point in time, might seem a little less than satisfactory because we are in a little bit of a state of limbo where the EPA has proposed values for future drinking water standards, yet they have not put out the final rule to adopt them yet. We are under the belief that publication of that rule is relatively imminent. We are a little surprised it has not come out yet. When it is published, Nevada will—as it always does—look at those standards and look at adopting them by reference into our regulations, at which point, various timelines start to accrue where we have the ability to regulate it and have activities that are driven by regulation as opposed to voluntary responses. We are getting there; it is imminent. We hope to see some activity in 2024 in that regard both at the federal level and then following up at the State level with amendments to the *Nevada Administrative Code*.

Chair Pazina:

I look forward to seeing where we can be soon with mitigation techniques.

Assemblyman Gurr:

As with most of these hearings, the more questions are asked, the more answers given, the more questions arise. Early in the presentation, there was a comment about $61 million in additional grants and things. I missed whether it was $61 million for grants for people to mitigate these or research them. Past that, how do you mitigate PFAS problems? We have not heard, at least I have not heard, of any problems in Elko and any mitigation going on. If there is a possibility to even come close to answering those, I would appreciate it.

Ms. Seifert:

Yes, there are treatment technologies to address PFAS contamination in drinking water. The technologies that are out there are using granular activated carbon ion exchange and reverse osmosis. These are the types of technologies that are in some of these home units that you can get. The granular activated carbon is very common in water pitchers. And then reverse osmosis—there are small units that you can have at a household level, but for public water systems, those are the same types of technologies that their engineers would be looking at. The easiest way to mitigate is also to stop using a source if that is a viable option for a water system. Like I said, some of our water systems have a lot of sources. Truckee Meadows Water Authority maybe has 30 water sources, and the Truckee River on top of that. Elko has 10 to 20 wells that they could utilize. Those are some of the other mitigation strategies, and this risk assessment tool that we are trying to develop will also help us locate areas where maybe a new well could be drilled that is not in an area influenced by PFAS contamination.

Ms. Carr:

You mentioned the $61 million that has been awarded to NDEP, at this point, from EPA; $18.9 million of that is for Andrea's program directly to the Bureau of Safe Drinking Water

to address emerging contaminants and two other grants, at approximately $21 million apiece, coming through our State Revolving Fund, which we have talked a lot about over the years here in the Legislature. That is our Infrastructure Financing Program, and these are specific pots of money within the State Revolving Fund that are to be used to address emerging contaminants. That is where the $61 million comes from.

Assemblyman Gurr:

The thing about having alternate water sources in a community the size of Elko—we have 10 or 12 wells, and they are pumping all the time. And now, in Spring Creek, where we have five or six—the last estimate I heard on redrilling, or even drilling a new well, was somewhere north of $2 million per well. Is that a possibility that there is a fund to help do that if PFAS is causing problems?

Ms. Seifert:

Yes. Currently we have funds available to drill new wells at $2 million, and it is either grant money or subgrants, basically 100 percent that we could issue and/or loans with principal forgiveness money.

Chair Pazina:

Any other questions? [There were none.] I think we all understand the concerns inherent in forever chemicals, and we really appreciate you taking the time to present to us today.

AGENDA ITEM VIII—PRESENTATION ON THE NEVADA AGRICULTURAL EXPERIMENT STATION AND COOPERATIVE EXTENSION PROGRAMS OF THE UNIVERSITY OF NEVADA, RENO

[This agenda item was taken out of order.]

Chair Pazina:

I believe we have today, Dr. William Payne, Dean of the CABNR at UNR presenting on the Nevada Agricultural Experiment Station and UNR's Cooperative Extension programs. He is here with us in Las Vegas along with Ms. Bray.

Dr. William Payne, Dean, CABNR, UNR:

Thanks for the invitation to present and share some particular highlights of the college and its major units (Agenda Item VIII). As a founding college of the original land-grant institution in the State, we have a long tradition of excellence in teaching, research, and outreach to the Nevada communities. That helps the University fill its three-part land grant mission. We refer to that mission as we compare it to a stool—or three legs—and we will go into those now.

We are proud to do this work through our teaching facilities on campus and online along with over 20 Extension offices and 10 Experiment Station facilities in the State. I like to stress the fact that these are State agencies. Yes, we are associated with UNR, but our mandate is statewide for all of them.

You can see that the map on the screen highlights the approximate location by various locations, including areas with joint partnerships between extension and experiment

stations. It is a federal expectation that those two agencies collaborate; 25 percent of their federal funding has to be part of integrated projects, in fact.

The land-grant mission is often described as a three-legged stool. That first leg of the stool is academic teaching. That is part of the Morrill Act that was signed in 1862 by Abraham Lincoln in the middle of the Civil War. The teaching aspect that we cover includes 13 majors, 8 minors, and 8 graduate programs housed in four academic departments. Each of those would have at least two academic majors. Those are Agriculture, Veterinarian, and Rangeland Sciences; Biochemistry and Molecular Biology; Natural Resources and Environmental Science; and then Nutrition and Dietetics. We are about to launch two new programs due to student demand. One is a dual degree in Agriculture Science and Economics, and that is in cooperation with the College of Business. The second is a minor in Agricultural Communications. Whether it is 4-H or Future Farmers of America, or even among our students, we stress the importance of effective communications. There are many careers associated with that. We are looking forward to the launch this fall of a new program in Outdoor Recreation Management. The College manages hundreds of thousands of acres of forest range and camp facilities. We believe that because in Nevada the outdoor recreation economy is important and ever growing, it is important that we have workforce development for that. Overall, the college serves about 1,500 students, and we have over 700 faculty and staff, and that includes about 120, tenure track faculty. The lower right photo on this slide is our Agriculture, Veterinary, and Rangeland Student Ambassadors. This group of students are leaders within their respective programs and work directly with our alumni, stakeholders, and industry to promote programs and get firsthand learning. I want to point out that the upper right is one of our nutritionists who focuses on gut genomics of babies, and on the lower left is a picture of a student studying teff. That is a plant native to Ethiopia—turns out it grows very well in Northern Nevada.

Let us move on to the research leg of that stool, which is the Experiment Station. That was created by the Hatch Act in the 1880s. We carry that out at field stations, labs, and other facilities across the State. Experiment Station faculty conducts research on critical issues such as biotechnology, food science and nutrition, crop and animal products, natural resources, and climate science. The Experiment Station receives federal funding appropriate under the Hatch Act to promote high-quality research activities on agricultural, natural resources, and other things that are important to Nevada. State funds are matched to these federal resources to conduct this research statewide; that is a federal requirement to receive those federal funds—a State match. The bottom center shows a part of the Rafter 7 sheep herd that we have in Eureka. Those are raised under the harsh, high-desert mountain conditions. They are world known for the wool and sheep meat, and they are used for research and for helping to fund the Station's operations through annual sheep sales and the sale of woolen products and apparel. We have our own woolen-clothing line. The top right shows research on alfalfa. That is one of the most important crops in Nevada, but it is also highly water dependent. We also have faculty working on precision irrigation methods. Water use sufficiency is a big deal for us as well. The lower left—you see a cactus, and that is an ongoing experiment in Moapa Valley in Clark County, and it is addressed towards biofuel and fodder production. Those are just a few examples of the research being conducted by our faculty Experiment Station to tackle some of Nevada's largest agricultural natural resource issues.

The third leg of that stool is Extension, and that has been around since 1914 as part of the Smith-Lever Act. That is the outreach arm of the College and the University, and the overall mission is to translate research-based knowledge into practical education for all Nevadans. It is a unique federal, state, county partnership that allows us to be nimble and develop new programming to address changing critical community needs. Programming and Extension

are based on needs assessments; these are formal assessments of the community of what the needs are. What you will see on the slide are photos that highlight just a few Extension programs in the natural resources area. You see school hydroponics and indoor agriculture. There is a consumer horticulture education program that is highlighted, and you will see curricula on wild and natural resources management being delivered to Nevada high schools. That is the range school that we conduct. We also have several programs working with Nevada tribes, very closely, through the federally recognized Tribal Extension Program—or TIP—as it is known. We reach Nevada's reservations—three of them, and we are engaged in programming to help all tribes. We have done a needs assessment for education among all tribes in the State.

We have expanded our programming recently by taking over extended studies from the Provost's office. We have only just welcomed it since 2022. It is new to us, but it is not new to the University. In fact, it has been around longer than the Extension itself. It was started in the 1890s.

They were founded also to help with the outreach part of the land-grant mission, and they provided special interest programming to educating those students not pursuing a bachelor's degree. It is geared for the nontraditional student. We have over 86 programs offered each year, and we are always adjusting those; we are increasing them or reducing them according to demand. Right now, we reach, every year, about 3,300 students, and they are anything from children to adults. One of the ones that has been very impactful for us that allows us to use our expertise from the College is with the Rangeland and Fire Ecology Program. The BLM, from the U.S. Department of Interior, came to me some years ago and said, "We cannot retain or promote BLM firefighters if they do not have credits in Rangeland Ecology and Management," so we devised a program especially for BLM firefighters, and that turned out to be very impactful. That originally was just for Nevada firefighters. Now BLM brings firefighters from all over the United States to be trained.

Our work is done alongside federal, State, and county partners. Should we have an increase in State Department, there are a few new directions we would like to move into. We are applying science to solve some of Nevada's most important issues, including improved access to nutrition and food security under harsh growing conditions, addressing food supply chain obstacles, and managing our interaction with the natural environment. We are investing heavily into urban agriculture and indoor agriculture technologies, particularly in Clark County, and we are expanding partnerships with the Nevada food pantries and food producers to increase efficiency of and access to healthy food. In our Department of Nutrition, we are initiating a new program in food science. We are one of the few states that does not have a program in Food Science, in fact, I think we are the only one. In the same vein, we are looking for ways to increase meat harvesting for our producers and the availability of our meat protein to our food pantries across the State. Wolf Pack Meats, which has been around, I think since the 1960s, is a meat harvesting facility that is operated by Experiment Station and located in Reno. It serves Nevada farmers and ranches and adds hands-on experience for Meat Science students. I have revitalized our Meat Science Program with a new Meat Science—we have acquired a several million endowment for Meat Science and currently, as Sheila mentioned, we are providing 20,000 pounds of ground beef to the Northern Nevada food banks each month through the Home Feeds Nevada Program. The success of that program has shown the increased need for safe and healthy meat protein. We would like to expand Wolf Pack Meats to increase capacity for producers and provide meat protein to food banks both in in Northern and Southern Nevada, and we believe we have the capacity to do so.

Another area of growth and investing is investing in Nevada's youth. We have two 4-H camps. There are many states that do not even have one. Our State 4-H camp at Lake Tahoe has been there since the 1930s, and our most recent camp in Alamo, Texas—we have invested in our commitment to increase outdoor education opportunities for youth throughout the State. I have to mention the Alamo facility would not have been possible without support from key commissioners, especially Commissioner Marilyn Kirkpatrick and Varlin Higbee from Lincoln County. Within a year of us opening our new 4-H camp, we had over 800 students from Clark County schools participate in both day and overnight camps. In many cases, this is the first time that many of those children had any outdoor education experience, so it has been quite impactful.

We have a very interactive tactile, annual field day that I would like to invite all of the Committee to attend and the general public. It is our signature event. It showcases all aspects of our College's research and outreach activities. It is free. It is family-oriented—takes place Friday, May 31, from 2 to 6 p.m. at our historic Valley Road Ranch. This farm was purchased in the late 1800s to support Experiment Station work, and we hope to see you there.

With that, I will thank you, and I will be happy to answer any questions.

Assemblywoman La Rue Hatch:

It sounds like we are doing some pretty incredible work in the State, and I appreciate your efforts there. I have a couple of questions. I think I am going to start with the nutrition. I am a teacher, so that always piques my interest. As far as nutrition in schools go, I know that has been a big concern with schools making sure our kids are getting healthy food on a regular basis. Have you done any work with our school districts or Nevada's Department of Education on nutritional standards or getting healthy food to our schools?

Mr. Payne:

Yes. The nice thing about being in a college of this sort is we do everything from very basic research. I mentioned the work on children's—on infants'—gut genomics, but we also do very applied and outreach aspects, especially through Extension on nutrition. You are probably aware of Supplemental Nutrition Assistance Program (SNAP) Ed. The College—Extension in particular—are very integral to the management of the SNAP Ed program, so that is carried out and very impactful throughout the State. That includes direct interaction with schools. You may have heard of our Chefs for Kids Programs. We are heavily involved with that as well, and that has direct outreach to many schools. And then we have a number of Extension faculty who are, in one form or another, directly engaged with schools.

Assemblywoman La Rue Hatch:

I know you mentioned climate impacts on our producers, and I know that regenerative agriculture is something that a lot of people are looking into. I just wondered what work you are doing on regenerative agriculture, and what supports you are able to provide to our Nevada producers as they are making that transition?

Mr. Payne:

We have a multifaceted approach to what is now being called "regenerative agriculture." Other people would use terms like *conservation*, *agriculture*, but the three basic components have to do with soil conservation—trying to minimize tillage, secondly, trying to keep soil covered to the extent possible with residue. The other one is rotation with other

crops and, in particular, legumes if possible. All of that we do through our crop and agronomy research. We have anything from crop breeders—I showed a slide of teff. That is something that we have introduced as important rotation crops with alfalfa, for example. It breaks disease cycle, and although it is very difficult, at times, to introduce what some would call "no till farming" in agriculture that is exclusively irrigated. Nonetheless, we can go to what we would call "conservation tillage." In other words, we try to minimize the amount of tillage to reduce carbon emissions and to maintain soil structure. We have a whole gamut of addressing that. The classic paradigm for a land-grant college is to focus on research, but then you have to have that knowledge-based, research-based technology transferred to the farmers, and that is done effectively through Extension. You have the basic research, the applied research, and then you have the transfer of knowledge through Extension. It is very important that you have that integrated cycle.

Assemblyman DeLong:

Just a point of clarification. You had mentioned that the second 4-H camp was in Alamo, Texas. Did you mean Alamo in Lincoln County?

Mr. Payne:

I beg your pardon. I most certainly did.

Chair Pazina:

Do we have any other questions? [There were none.]

Has your team worked closely with DCNR and around the State looking at potential job opportunities within the State for your graduates?

Mr. Payne:

Absolutely. It is interesting that you say that. There is a grassroots movement among students right now—our Student Ambassadors that I showed in one of the photos. Traditionally, we participated in what we call "STEM Field Days." We work with College of Engineering and College of Science, but there is a sort of a grassroots movement to start having our own sort of CABNR day—career day—to focus on the things that we attract, so that would be in the areas of agriculture, and there are many as far as crops and animals. Also, because we train so many people who go into the federal services—whether it is a forest service or BLM, et cetera, we work with Fish and Wildlife—we typically invite these potential employees to those career days as well. So yes, we do. I think we should do more. I think we should be inviting some of the national employers. As we get stronger and stronger in agriculture, as a college, we start to attract more and more people to the State to look at our students. I think that is one of the reasons we see enrollment and grants so much.

Chair Pazina:

Director Goicoechea is present in Carson City right now, so I know he is listening and hope that he will be recruiting a number of your students.

AGENDA ITEM IX—PRESENTATION ON REGENERATIVE AGRICULTURE PRACTICES

Chair Pazina:

We will move to Item IX on our presentation list, which is the presentation on regenerative agricultural practices. We would love to hear from Wendy Millet, the Ranch Director of TomKat Ranch, who is joining us on this presentation.

Wendy Millet, Director, TomKat Ranch:

I am going to share a little bit about what we are working on in California, but this is not a California-specific effort (Agenda Item IX). We are calling it "regenerative agriculture," and it is a movement around the world to do agriculture in a way that is in harmony with nature. I am going to share with you some of the insights that I am seeing from around the world, but before I get started on that, just a quick rundown about who we are.

TomKat Ranch is an 1,800-acre grass-fed beef working cattle ranch out on the coast of California—about an hour south of San Francisco. We also are a learning lab and educational ranch, and we have three program areas. One is about the practices on the ground. One of them is about our work to change the food system. And one of them is our work in gathering people together to educate and learn together.

We are excited about the possibilities of regenerative agriculture because we are seeing, in so many cases, places around the world where it is solving not one problem, but it is solving multiple problems. That goes from everything from increasing climate stability to addressing rural economics, the quality of the food, nutrient density, water infiltration, soil, animal welfare, biodiversity, food security. It sounds a little bit too good to be true perhaps, but I can happily tell you, it is not too good to be true. It is happening in so many places, and it is yet still probably only 3 to 5 percent of producers in the United States—is the best estimate—so we have a lot to learn and a lot to share.

I am going to try and walk you through it for those of you who may not be familiar with it. Some people call it "climate smart agriculture." There are a lot of different names and a lot of buzzwords, and there is also a lot of ways to talk about it. I am going to try and break it down into one way that we are talking about. It is focusing on a way of raising food in a way that is improving some of nature's cycles. Breaking it down to four cycles—water; energy; carbon/mineral; and the community dynamics. There are lots of ways we could break it down, but for purposes of showing you a little bit of what I am talking about, I am going to stick with that today, and happily.

There are so many signs of distress for our planet right now, and I do not have to tell you; all of us in the West are very familiar with the drought, flood, fire dynamics. In other places around the world, we are seeing it constantly in the news, temperature extremes, biodiversity loss, and food scarcity. My background is in conservation. When I moved into agriculture, what made me very excited is that there is a way we can, as humans, interact with the environment and help rebalance the cycles and fix the ecosystems and build resilience to these planetary imbalances.

We have got a lot of work with scientists, and we got to hear from some great folks earlier on a bunch of topics. Science is so key to our work in understanding planetary systems. Point Blue Conservation Science is a global conservation organization based in California,

and they have been with us for about 14 years. A lot of what I am sharing with you is peer reviewed by them.

I am going to make sure that we are all on the same page talking about some core principles for regenerative agriculture or, one could say, for talking about soil health. Soil health is really the basis for regenerative agriculture. This is a simplified version from General Mills, a big company that has taken an interest in regenerative agriculture. The first, single most important one is understanding context. What I am telling you from California, or what you know in your Nevada context—you heard it about your water basins; we are talking about ecology, and they vary by place to place. As was heard a little bit earlier, minimizing soil disturbance is a huge principle of maximizing crop diversity. This is diversity above ground, below ground. We get a lot—talking about soil microbes and the gut microbes in the human biome. Keeping the soil covered, maintaining your living ground roots, and integrating livestock where appropriate.

There are so many fun things to show you, and usually I like to have people out at the ranch to talk about it, so I am going to try and bring a little visual into a meeting room. This is a video that will take a little bit too much time, but I am happy to share it at another time. The key take away is at the top; you have two kinds of grazing systems. One, you can see on the right-hand side, it has a lot of grass; that is a regenerative grazing program. And then one is a more mainstream grazing program where there is much less grass, and what you are seeing is how much runoff is happening and how much water is being infiltrated into the soil. It is all about the power of grass and forage and biodiversity above ground and below ground to make use of water.

We have another term that is very common in the regenerative agriculture movement, which I think all of us in water stream places have to pay attention to, and we call it "effective rainfall." Non-effective rainfall is all too common where our water is falling on ground that is packed; it is compacted. There is not a lot of vegetation; it is running off. There is not enough vegetation to hold the water. There is not enough biology in the soil to use the water. In contrast, the effective rainfall—same amount of rain, but when the rain falls, it is caught by these plants. It is held in the soil by microbes and by the deep-plant roots. You are creating. It is quite amazing to see that we are seeing places where water cycles are being reinvigorated because plants transpire moisture into the environment and help create a rain cycle.

You have seen plenty of this in your very hot areas of your State. Bare soil is a disaster for our planet. It heats up, it loses water, it cannot support plants, and it cannot cool the earth. In contrast, that lower photograph—when you have a lot of green grass or green plants, it does all the opposite, and it is supporting plant life. Obviously, it is feeding animals, and it is helping to cool the planet. If you took measurements of the soil temperature at the ground level on these two different pictures—wherever they might be, and it could be just even at a single branch where you have a place that has a lot of cover versus not—you will see a dramatic difference in the temperature at the soil surface. That is so important for our ability to hold water—our ability to grow plants.

A little bit of a difference—looking at grazing practices, integrating livestock being one of our central principles. If you are familiar with these, what they call "fence-line shots" where you see different grazing practices. Lots of people call it different things, so I hope you do not get too caught up in that. I think the key is getting these principles activated where we have our ecosystems healthy and thriving. If we can use livestock to do that, that is a plus.

I wanted to touch on economic stability. It is a key part of why we are supporting regenerative agriculture because we are seeing places around the world where it is not just that producers are making more—and I am saying farmers and ranchers, although our specialty is ranching—we are seeing them making more money. We are also seeing them reducing costs, which is so critical.

A couple of key highlights from the ranch—I know you are the Natural Resources Committee, so I am thrilled to share some of the findings from our science team. We have seen a great increase in our perennial grasses, in our forbs. The timeline that you see is when we changed our grazing program to an adaptive-grazing program. We have increased native perennial grasses across all the pastures on the ranch over the duration of the time that we have been doing the different grazing program.

We have restored a lot of biodiversity because there is a lot of the ranch—when you do regenerative grazing, your animals move, sort of mimicking the Serengeti, and they are moving all together in a herd, and they are moving, grazing a high density at a place, and then moving on—there is a lot of our ranch that is left open all the rest of the year when the herds move off to different parts of the ranch. Meanwhile, those water tanks are still sitting there. You can see all of our friends who come back to use the water systems, and generally to use the ranch—not just the water systems, but the grass that is left behind because we leave quite a lot of grass behind for our native-species neighbors. Again, lots of focus on soil health, and we have increased soil health on a whole bunch of the test plots.

I wanted to underscore photosynthesis. It sounds sometimes like a fourth-grade science lesson, but photosynthesis is key to making these systems work. We have a lot of conversations in our policy world about carbon. Plants do not grow, carbon does not get sequestered, if we do not support living plants.

A lot of possible improvements. If we just had one million acres—we did some rough numbers on what you could do. If you increase the soil organic matter by 1 percent in an acre of soil, you could increase the water holding capacity by—estimates are—20,000 to 27,000 gallons an acre. So do a little math in Nevada, and you will think about the possibility there.

There are a lot of different practices. This is a visual to show how we are trying to reactivate the whole system—carbon photosynthesis, water, deep-soil roots. There are lots of different practices. They are all geared towards activating the cycles, feeding the soil health.

The more practices you do, the more impact happens over time. Some highlights of some practices we are doing—goat grazing, integrating livestock with farming fields. Sorry to go quickly—just wanted to end with a few amazing places. I know you have a lot of desert spaces in Nevada. This is in Mexico; these are neighbors' ranches—one that is doing regenerative agriculture on the right, one that is not. Loess Plateau in China took on a huge regenerative agriculture project. You are bringing back life systems to our planet. South Africa—same thing. They are everywhere, and they are in dry climates, not just wet, although places that are wet are going to do much better at building their soil health more quickly and sequestering more carbon and storing more water. This is a place in Utah. All the species, except for the mule deer, increased here, not just their grazing cows, but their mule deer, their elk, their antelope, their moose, their birds. It is supporting the ecosystem, not just for humans and for the food that they are raising, but for the native species at the same time.

Quick buzz through regenerative agriculture—I am happy to answer questions today or another day.

Chair Pazina:

I think the side-by-side photos of where the regenerative agriculture was happening and where it was not are really stunning.

Assemblywoman La Rue Hatch:

I personally grew up on a ranch, so this is very close to my heart. I appreciate that you are highlighting this need. You mentioned all of the benefits we get from this, and there are numerous—there is economic, there is climate, there is wildlife, water cooling. But I do know if it is a process, especially for people that have been operating family ranches or family farms, especially for some time—what kind of support do folks need to make that adjustment and that transition to regenerative practices?

Ms. Millet:

Plenty. That is the part that we are working on as an educational ranch. There is knowledge to share through technical assistance programs, and there are funding programs that are needed. Healthy Soils Program is a big one in our state and in about 26 states that are supporting the practices, and whether it is electric fencing that people need or whether it is water systems—all of that kind of support that they need financially—but also information networks of people to learn from because we are all in our context trying to understand what is right for our various places. These learning networks are key. There is a lot of work that needs to happen. We like to think it is a journey—and so not saying that people need to start and do it all at once. A lot of times, we just suggest to people who are curious about this to try it in a part of your ranch and see if it is making a difference and be patient with how long it takes. There is also some timeline that it takes for a lot of people from an economic standpoint. Farmers and ranchers are concerned about the short-term change and if it is a cost to them until their soil biology starts improving. Whether that is through programs that the state is supporting or the federal government, there is increasing interest in programs, happily, to connect farmers and ranchers to provide that support they need. It is critical. I am glad you raised it.

Assemblywoman La Rue Hatch:

Just to clarify, you said there are 16 states that currently have a soil health program and there is also federal money available. Is that correct?

Ms. Millet:

Twenty-six states, actually. They are different. Some are fully funded programs. If you Google around a little bit, you will see "soil health; "healthy soils program" is typically what it is called in various states and then the federal government through programs through Farm Bill and the Commodity Grant—the IRA [Inflation Reduction Act] Grants. There is a lot of emphasis right now on getting carbon beneficial. But really, if you are improving carbon, the nice thing is you are typically improving a whole lot of other things on your farm or ranch.

Assemblywoman La Rue Hatch:

I am glad I clarified—twenty-six is even better than sixteen.

Chair Pazina:

[Chair Pazina called for additional Committee questions. There were none.]

AGENDA ITEM X—PRESENTATION ON FOOD PRODUCTION AND FOOD SECURITY IN NEVADA AND HOME FEEDS NEVADA UPDATE

Chair Pazina:

Our final presentation—we are going to be hearing from Director Goicoechea from the State Department of Agriculture (also known as the Nevada Department of Agriculture [NDA]), as well as Beth Martino, the CEO of Three Square, and Nicole Lamboley, the President and CEO of the Food Bank of Northern Nevada (FBNA). I believe we are going to get started with Director Goicoechea with the State Department of Agriculture, and then we will move to Three Square here in Las Vegas, and then to the Food Bank of Northern Nevada in Carson City.

J.J. Goicoechea, Director, NDA:

I have two staffers online as well today, Patricia Hoppe and Brittany Mally, so when we get into the question phase of this, I will let the experts talk about it and not me. Also, I know what you guys have in the packet (Agenda Item X A). I did move some slides around, so they are not all going to be in there. In the interest of time, I do not think you guys need to see it all. Just a little bit about the divisions we have—we have five divisions. You can see that here. Here is our leadership team. I will not go over all of those today.

Because we are talking about production in Nevada, I did want to talk about the number of farms and what we have seen with national agriculture statistics—about 3,400 farms in Nevada. On our last census of those, they make up a little over 6 million acres of farmland. Average size—about 1,800 acres.

Top agriculture commodities—I think this is important because we are going to talk a lot about the fork here at the end, but we got to remember agriculture starts at the farm and goes all the way through the fork. Cattle and calves are our top commodity. I do not care how many times I go over these slides, we did miss a zero in the first one—is $366.5 million annually—cattle and calves; hay and alfalfa—about $148 million; dairy sales—$246 million; and then food manufactured goods—$213 million.

The next slide—you might be a little bit confused. These are not manufactured goods. This is some end processing that we do, such as coffee, for example, just to the south of us down here. Total economic output—under $1 billion in actual agriculture, but the food and beverage manufacturing—about $4 billion in the State of Nevada, which is significant. We are taking these raw products and adding that value to them and passing them on to the consumer.

Food insecurity—I think that is what we are really here to talk about today. Up to 2019, one in eight were food insecure in the State of Nevada. That jumped significantly in 2021, and we are ranked 8th nationally in food insecurity rates. We are still going over the numbers from the last couple of years. You will see those numbers come out over the next 60 days. We have some draft, but I was not ready to share those yet today because the numbers still are changing.

As far as what we do, I will go through these next few slides fairly quickly. These are all administered by our Food and Nutrition Division, but we could not do this without our partners like the Food Bank and Three Square. We will hear from them just in a minute. We have a good team across the State putting these programs together.

Child and Adult Care Food Program—a little over 5 million meals and snacks served in 2022; Summer Food Service Program—2 million meals served in the State Fiscal Year (FY) 2022 [FY 2022–2023]; Farm to School Program—this is another big one that we rely heavily on our partners with; Fresh Fruit and Vegetable Program—about $3 million in federal funds distributed through that FY of 2022.

National School Lunch Program—we have all heard about this. We know where we are at on that. In fact, we had an executive audit meeting yesterday, and we talked a lot about this and what we are going to do, but 39.5 million lunches served for School Year (SY) 2022–2023 as part of that Program. School breakfast—21 million breakfasts served in SY 2022–2023.

Our Specialty Milk Program—and this is kind of concerning—I know there are some allergies and things like that, but we sure have a lot less milk being served for whatever reason, and that is a great source of protein; that is something we are focusing on if we need to pivot a little bit there and try to get some more of that milk back into our schools to help our students with that source of protein.

Child Nutrition Commodity Support—we spent over $22 million U.S. Department of Agriculture (USDA) money in FY 2022–2023. Emergency Food Assistance Program—17 million pounds of food distributed to an average of 132,000 households. Our food banks are going to touch on this more, so we will let them get into that just a little bit.

This is another area that we need to see some improvement in. We continue to outreach to our Indian reservations, but average number of individuals served per month is 270 on our Indian reservations through FY 2022–2023. We are continuing to reach out and see how we can better improve that program and get more of that delivery to those Indian reservations across the State of Nevada.

Nutritional Services Incentive Program—this is an alternative to cash for senior centers, and we provided $25,000 in USDA Foods. Senior Farmers Market Nutrition Program–Patricia can go into this a lot more if you have specific questions on this. We served about 5,000 seniors. We have a voucher program for some of this, and in the last legislative session, I testified to this Committee, and there were some questions on that and that voucher. Hopefully you guys have that information. Just more on Senior Nutrition Wellness Program—

State Processing—we take those primal cuts of USDA, and we can break those down, and it saves a little bit of money when it comes to the schools. For example, as we break those down, we can save our school districts significant money through this; we save them about $9 million through USDA processed foods.

On to what I think everybody really cares about today is Home Feeds Nevada. This is a food purchasing distribution program that helps Nevada become more food secure. It was built to take the small and medium size producer and put that food into where our most needy are through our food banks. Over the last year, we have really hit the accelerator on this.

Since the program started in 2022, we have purchased $3.5 million worth of food from local farms, ranchers, and processors. You heard in public comment earlier about the total number of pounds—2.3 million pounds; that is from September of 2022, and this would have been through October 1 of this year. You can see the breakout between Food Bank of Northern Nevada (FBNN) and Three Square—pretty even there with how we are doing that.

We have had a lot of good outreach, and we have reached out into some of our smaller producers in our rural areas and got them involved in everything from ground beef to vegetable. I was talking to Mr. Fontaine over here earlier today. There is a lot of interest in this, and a lot of these farmers want to do some co-ops and that kind of thing.

This is not in your slides, and I did it on purpose because we just announced it this morning. The Resilient Food Systems Infrastructure Grant went active today. We will take applications through March 29—$1.2 million for the middle of the supply chain in Nevada. If you need refrigerated units, if you need trucks, if you need help with processing, get those applications in. I did not put it in here because I want you to subscribe to our emails. I want you to follow us on social media. We are catching on, so if you guys want NDA, you will see it all over our social media—Facebook, Twitter, Instagram—today. You can subscribe to our emails and look at that. Encourage your constituents to apply for those if they have a need, and we will continue to push that food to where it needs to be.

How the funding came about—you heard about the $2 million. I want to clarify that we spent a lot of LFPA—Local Food Purchase Assistance—money initially. Now, we are back to the ARPA money. One was federal ARPA; this is State ARPA. We are trying to stretch these dollars. I am not going to you, but we are trying to stretch them out. We do not see a fiscal cliff before we can get to another legislative session—and see what we can do to push those out. We are using the $2 million now, and we have already spent significantly over the $2 million. That is because we accessed another pot of money we had within the agency to try to spread and to stretch that out.

With that, I will stop in the interest of time, and I will rest for questions.

Chair Pazina:

We are going to go to Three Square, and then we are going to go to the FBNN, and then we will ask all questions at the end. Thank you so much for the presentation, Director, and we will all make sure we subscribe to the NDA social media.

Beth Martino, President and CEO, Three Square:

I will keep my comments brief and provide a little overview of what we do and then touch on the role that Home Feeds Nevada plays (Agenda Item X B-1). I know you all have a packet of our slides. Before I jump into those, what I would add is that we would invite anyone to come out to Three Square, anytime. We can tell you a lot about what we do, but I think seeing our work in action is very meaningful, whether that is coming to Three Square and visiting us or going to one of our partners and seeing what they do firsthand. The primary reason that we exist is to try to reach our members of our community that are in need, and as touched on already, there certainly is a need in Southern Nevada. At Three Square, we serve Clark, Lincoln, Esmeralda, and Nye Counties. We know that in those Counties, one in eight are struggling with food insecurity. Of note, I would also add, I am sure many of you have seen over recent weeks some news coverage of the cost of groceries and generally what that has meant for consumers. Recent reports—the *Wall Street Journal*, *Washington Post*—were sharing that, nationwide over the last four years, groceries have

increased by 25 percent, and that most voters say that has been the hardest inflationary cost for them to absorb, more so than anything else. Approximately 11 percent of household income is going to groceries, but for people who are low-income, it is closer to 30 percent. We are certainly seeing that reflected in what we do at Three Square and what we do with our partners.

Three Square has been in existence since 2007. Last year, we served about 36 million meals, so 43 million pounds of food. Through those sources and through that food, we distributed into the community in a number of ways, primarily through our community partners. We have about 150 community partners here in Southern Nevada. Those are a variety of different types of nonprofit organizations that operate food pantries, pop-up weekend markets, all sorts of different kinds of distributions. We also have other programs to reach food-insecure neighbors here in the community.

First, I would highlight our benefit services outreach, which is a program that we developed at Three Square to try to provide longer term support. Of course, we want to feed someone when they are hungry, but through our benefit services outreach efforts, we are able to do things like enroll them in SNAP benefits, assist them with Medicaid applications, connect them to utility or housing assistance—trying to address some of the root causes that might bring someone to a food pantry. Beyond that, two of the programs that the Director touched on—our Childhood Nutrition Programs, most notably—connect back to the State. We have our school year program, which we call "Kids Cafe," which is directly connected to the State through the Child and Adult Care Feeding Program that the Director mentioned, and then our summertime program called, "Meet Up and Eat Up," which is through the Summer Food Service Program, both of which provide after school meals to children in the summertime. That transitions to more of a breakfast and lunch meal, which we provide on sites like YMCAs and Boys and Girls Clubs. We also offer mobile delivery in the summer where we set up in locations where we know children might have transportation challenges. We also offer a backpack program. Right now, in our four counties in Southern Nevada, we are delivering approximately 5,000 backpacks a week to schools all across the service area to help kids bridge that gap over the weekend from Friday until Monday when school lunch and breakfast kick back in. Last, of course, we want to also consider seniors, some of the most vulnerable in our community, as well. We have a robust set of senior programs at Three Square. In the interest of time, I will not go into those in great detail—but a number of different things that we have developed to try to reach into the senior community here in Southern Nevada.

Our impact chart in your slides shows what the food makeup looks like in terms of what we distributed. We talk about distributing 36 million meals, but what all does that include? You can see a visual depiction of that. The most in-demand item that we have is protein-based meat. We, of course, want to provide protein through other sources as well, since we know that meat can be particularly challenging for us to get. That is where Home Feeds Nevada comes into play. We are able to source some high-quality protein, dairy, and produce through Home Feeds Nevada. You might wonder, "Where does a food bank get its food?" It is three sources. First, we purchase food ourselves, especially for some of our programs that reach children and seniors. We have very specific dietary guidelines that we are trying to adhere to. We have donated sources. That is our second main way of getting food through food drives and large manufacturers and wholesalers, and then finally, through government programs. As the Director highlighted, there is an Emergency Food Assistance Program that is run through the federal government and administered by the State, which is a fantastic source of food for us.

Home Feeds Nevada is another great source of food that is through the State of Nevada and a unique way of connecting the business community and farmers to food and security. Of the more than one million pounds that we have received at Three Square, this is a breakout of what that looks like. You can see 5 percent of that being protein, and I know they are continuing at the NDA to enhance the acquisition of protein, which is incredibly helpful for us, but really, that produce and dairy piece too. These are three products that are in high demand and help us provide nutritionally sound items to the neighbors that are coming to our food pantries. It has been distributed all across our service area. We have maybe 150 to 160 partners, 132 sites that are receiving food from Home Feed Nevada—so reaching broadly across our service area here in Southern Nevada.

In terms of our concerns with Home Feeds Nevada, as we talk to our farmers, we have heard from them firsthand that it has been a sustaining program for them. Some of our farmers are saying they might not have made it without being able to use this type of program from our food pantries and the neighbors being served there. We hear that they love the products that are coming in through this program, whether it is milk, whether it is protein, whether it is fresh fruits and vegetables, those things are welcome by our pantries and by our neighbors. Our hope is that, as the Director indicated, when we have exhausted some of the current sources of funding that we can identify other ways to fund those programs. At Three Square, our role, just as I am sure the FBNN will share, is not to make those kinds of decisions. The food comes to us, and we distribute it. That is the role that we play, but we collaborate very closely with the NDA, and we will continue to do so to find ways that we can be supportive of the program.

With that, I will pause, and happy to answer questions later.

[Ms. Martino submitted two handouts regarding Three Square (Agenda Item X B-2 and Agenda Item X B-3) and a handout pertaining to Home Feeds Nevada (Agenda Item X B-4) for the record.]

Chair Pazina:

We will move into the FBNN and welcome our representative, Nicole Lamboley, President and CEO of the FBNN.

Nicole Lamboley, President and CEO, FBNN:

I am not going to repeat a lot of what Beth already said because we work together as the two food banks representing the State of Nevada. We are celebrating 40 years of serving our community. She mentioned the four counties that Three Square serves; we serve the remaining counties, including the combined Carson City County/City. We distributed, last year, a little over 19 million meals, so about half of what Three Square did.

I am here to talk today about the Home Feeds Nevada Food Purchase Program because I was intimately involved in the creation of that legislation. Following our role and response during the 2020 pandemic, we realized what the unprecedented impacts were on food insecurity in the State. We saw record numbers. In April 2020, we served the largest number of people in a single month, which was 128,000 people. We thought, "Wow, we will never see that." By contrast, today, we are serving 153,000 people per month, so the rate of food insecurity is rising for the many reasons Beth explained and the Director has talked about, but we are number two in the nation on rising costs for groceries. We are right behind California. When you look at those numbers, it is the difference of $4 a week between our two states, so that is significant. But really, what we thought about as we

looked at the postpandemic response—food banks are innovative. We always think about, "How do we meet the needs of neighbors facing food insecurity in ways that supports their needs?" We know that they want access to healthy, nutritious food. How do we get that healthy, nutritious food? We get it from local food producers.

We knew what was happening with Nevada agriculture. Everybody faced impacts from the pandemic, and we thought, "Is there a way—is there a model that we could take, looking at the Federal Commodity Program and other commodity programs that have been developed by a number of states around the country?" Out of that came the idea. Three Square and the FBNN approached the NDA and said, "What if?" And thanks to the legislative body, they heard us and said, "Well, let us try this program."

As you can see from the results, in a short amount of time, there has been significant contribution by local producers in the agriculture sector that have supported feeding our community. As Beth indicated, we hear from our clients and our neighbors how important it is that they receive locally produced food. They, too, desire to have the same type of food we all want in our pantries and in our refrigerators. They want the high-quality food that we see that is coming through the Home Feeds Nevada Program.

The donated food stream is where we get a lot of our food, but we cannot just rely on donated food. We are purchasing more food than ever. And again, thanks to the efforts of the last legislative session, we have been provided funding to purchase those necessary food items. But really what is so critical to Home Feeds in Nevada is the types of food. We are getting the protein, the dairy, and we want this to be an economic impact on our local agricultural producers. We do not expect just to get donated food from them. They provide surplus food when they have it, but as the Director has shared, we have a limited number of farms, and they are small farms. One thousand-eight hundred acres might seem a lot to us who just have a single household, but that is a small farm. We appreciate the efforts they have done, but we also want to support their continued economic growth and opportunity. That is why it is such an important program to us. It not only helps provide food source to our food banks, but it is about how, as a community, we are working together—government, private sector, and nonprofits—to feed people who face food insecurity.

I can give you all the statistics, but you do not want to hear that. I wanted to give you the emotion of why this program means so much. We were a little kitschy when we presented it. We said, "Well, let us give it a name—Home Feeds Nevada Agricultural Food Purchase Program. I do not sleep a lot; that is what happens when you think about, "How can we make this resonate?" It was people in Nevada feeding our community.

I would be happy to answer any questions about the impact, but we provided that all (Agenda Item X C-1, Agenda Item X C-2). I agree with Beth; anytime you can see our food banks and our partners, which is what we are—a network of partners, which is why the legislation was designed the way it was to help go through the two food banks who have well over 300 partners, including school pantries, congregate feeding sites, church pantries, community pantries—all sorts of partners that help us get that food out to people in the farthest parts of our community and right in the urban core.

Chair Pazina:

We really enjoyed all three presentations and the amazing work that you are doing with Home Feeds Nevada.

Vice Chair Anderson:

I know that you all have a very good working relationship, which is always good to see and celebrate. I have three questions. The first one has to do with the slide with the tribal numbers. You stated that it was 270 people on average, per month, and that felt low to me. I did not know if that is because of other programs or how that number was figured out.

Director Goicoechea:

That is a combination of things. There are other programs there. But in all honesty, I think we as the NDA, and maybe all of us—even our partners—need to do a better job of outreach. A lot of us have those personal connections and relationships from those rural communities. Over the last year and a half, it has meant a lot to them to have me pick up the phone and reach out and say, "What do you guys need? What can you do?" That is something we are committed to do and are continuing to do. I think we need to do more outreach and just, "What do you need?" A lot of times they are not the ones that come to us. They run a lot of that through their own tribal governments, so I think that is why we do not see a lot of access through this.

Vice Chair Anderson:

That is what I figured it was—just knowing some of the other tribal governments and how they are always able to help each other out. My second question has to do with the grant. Sorry, there is somebody that wanted to add in.

Patricia Hoppe, Administrator, NDA:

If I may just add to Director Goicoechea's answer, the way the food distribution program on Indian reservations work—it is a choice for the households and families to have the Food Distribution Program on Indian Reservations (FDPIR) or to have SNAP. That is also one of the reasons that the caseload tends to be lower. It is a fluctuating caseload because they can switch back and forth between the FDPIR and SNAP. One of the things that happened, as an example during the pandemic was, as you all may recall, SNAP benefits went way up, so we lost a lot of our caseload for the FDPIR because our household moved to SNAP because it was a better program for them where they could get more food that they needed to feed their families. That is also one of the major impacts on that number.

Vice Chair Anderson:

My next question has to do with the Summer Food Service Programs, in particular. I know that there is some federal legislation at this time that was approved during the December time frame. So, just was wondering what was happening with that—if that is going to make an impact on the current summer program, or if there are plans to make some changes. I do not know if that is going to be NDA or if that is going to be the two programs.

Ms. Hoppe:

Summer Electronic Benefit Transfer Program for Children (Summer EBT) right now—the plan is for it to be implemented by our SNAP sister agency at Welfare. We are partnering with them. We are working very closely with them. They did Pandemic Electronic Benefit Transfer (Pandemic EBT). They have the infrastructure and the call center, and they have the system. They are able to use the same system for Summer EBT that they did for Pandemic EBT. It was a natural decision for them to go forward with that. They are still working out a lot of details. We have put our plans together and submitted those with the

letter of commitment for Welfare, but they will be taking the lead on implementing Summer EBT.

Vice Chair Anderson:

I am sure that they will more than likely be working with the two partners. I did not know if the two areas would also like to add in with that.

Ms. Lamboley:

We are working closely with both departments—Health and Human Services as well as NDA. This will be a critical opportunity for us to provide explanation to eligible families, and we will be working with them to get that right messaging out—also working with our partners in the school districts to make sure we are reaching eligible families. We are also concerned about how to make sure that our summer feeding programs are also accessible. They are in addition to—they are not a replacement. It is not one or the other because even though they will have expanded SNAP benefits, the household is still food insecure, even with the increase in dollars. We also know that the grocery prices continue to rise, so we will be encouraging families to utilize the summer feeding programs at least for the FBNN and our partners.

Ms. Martino:

I would echo what Nicole said. I think the summer program, in particular, is critical for families because they do not have access to the school meal program. That is what we are oriented to—encouraging that additional participation and trying to reach as broadly as we can. I am sure this is true in Nicole's service area as well, in addition to providing it at sites such as after school-type programs that then convert to summer camps—so places like YMCAs and Boys and Girls Clubs. We are also looking for ways to ensure we are getting out into the community to reach children and families that are not going and are not able to participate in those types of programs. We will continue to look for ways to grow that, and of course, working closely with the NDA. We offer mobile delivery here in our service area. I think we want to grow that; we want to look for other ways to make it easier for people to access the summer feeding program, so we will be continuing to work on that.

Vice Chair Anderson:

It sounds like there has been a robust discussion around this issue. My last question has to do with the school nutrition. I am happy to hear that you want to expand the milk program. I think that is very important, but I am just curious as to the process, currently, for school lunches and for school breakfast since that is currently more of a federal program. In particular, I am wondering about next school year based upon legislation that did not make it through.

Director Goicoechea:

We are spending the remaining money that we have; that will end July of this year, as we come out of the school year. We are actively engaged with our school districts across the State. They need to enroll so that they can enroll in that federal program. Clark County School District has done a wonderful job down south. The entire District qualifies now for that free-reduced lunch and breakfast program down there. We have a lot of schools in the north that are not applying for it, or they are not figuring out how they can combine with other schools to get that where it needs to be.

Brittany Mally, Deputy Administrator, Division of Food and Nutrition, NDA:

He was talking about the Community Eligibility Program (CEP). Schools can qualify to be on that program, and then all the students at those schools eat for free. The time for that renewal is coming up in April. We are doing trainings and webinars to all the school districts on the program, and they have made it easier to qualify this year. They brought the threshold down from 40 percent to 25 percent, so we are going to try and get as many schools on that as we can. And then we have monthly forums and town halls with the schools, as well, to get them ready for what next year will look like. Also—transitioning back to normal. We are doing everything we can to try and get everybody ready for the schools that might not be able to qualify for the CEP program.

Vice Chair Anderson:

I did not know that it had moved down to 25 percent. That is really good news, and it sounds like Clark is doing a good job. Do we know of any other districts besides Clark that are doing a good job, or are the other districts kind of like, "We do not know what to do?"

Ms. Mally:

We have six districts in the State that are what we call, "Districtwide CEP," where every school in that district is a CEP school, so everybody is eating for free. Besides Clark, that is Nye County; they have done a great job. They have, at least, maybe 20 schools—more than that—I am not sure. I cannot remember exactly. Mineral County, Churchill, and Esmeralda—they are tiny. There are a couple of charters that have multiple schools as a part of them as well, where every campus is CEP. Washoe has a fair amount on it as well, but they do not do the same type of grouping that Clark does, so they do not have everybody. We do not have very many schools in the State that, if they can participate, do not. We do a lot of reaching out and education to try and get everybody on that. It is a yearly thing, so it is not new. We talk about this every year around the same time with the schools and school districts.

Vice Chair Anderson:

Good luck on the grant that is on again. It was on the NDA website.

Assemblywoman Considine:

I am very familiar with Three Square and the great work that you do, but learning about the rest of this is very enlightening. I had a couple of questions on Home Feeds Nevada. Earlier it was mentioned that there are 3,400 farms, but what are the requirements for the farm to participate? Is there a size?

Ms. Hoppe:

We have fairly straightforward requirements, things such as, they have to have a State vendor number so that they can be paid by the State. They also have to have a SAM.gov or the UEI (Unique Entity Identifier) number so that they can receive federal funds, which is a federal requirement. If they are a farmer, they are required to have a Producer Certificate—that comes from NDA from our Health and Compliance Division—that they have been certified to be a producer in the State. After that, we have a running RFA (Request for Application) on our website where anyone, at any time, is able to go through the application and submit an application for the program. They self-report the size of their farm or their ranch, and that is based on USDA's measurement of annual gross cash-farm income. Small

producers are less than $350; medium producers are $350 to $999; and then large scale would be over $1 million. They also have the opportunity to submit a variety of choices of products and things that they would like to grow, that they would like to process, that they would like to submit, that they would like to serve to the program, as part of that process. They then submit that online application to us, and we go through and evaluate the application. We typically have an interview call, so to speak, where we go through a lot of the requirements of the program and how it works and processes and procedures and go through everything that they have submitted on their application. We verify that they have all of those items in place before they can participate in the program. That is the application process. We try to keep it pretty straightforward and simple because most of our producers are small producers.

Assemblywoman Considine:

My second question is back on the initial slide deck about the State Processing Program, where it works with commercial food processes to convert into end products like applesauce, chicken nuggets, string cheese. One, is that processing done in Nevada? Do we know what percentage of processed food goes into the school lunch and programs?

Ms. Mally:

That processing is not done in Nevada, typically. It goes out to companies such as Tyson for chicken products, Jenny-O for turkey products, that type of thing. It is on a national scale because they are doing this for all of the school lunch programs in America. We do not have a percentage that we keep for how many products are processed in the school meal programs. Usually, it depends on what type of operation the school has for how they are going to serve their meals and make them and what they are having for lunch or breakfast that day, so we do not have a particular number if that is what you are looking for.

Assemblywoman Considine:

Is there any baseline, to your knowledge, of school lunch—how much should be fresh and how much should be processed—or we do not have any baselines for that?

Ms. Mally:

There are no regulations for that like there are for the meal pattern. I mean, there are regulations on—they have to offer fruits and vegetables at every meal, so those are typically fresh compared to what the entree would be. There are no regulations from USDA that they have to follow to meet those standards.

Assemblywoman La Rue Hatch:

As a teacher, and also as a parent of a first grader, I am concerned about our school meals. I echo my colleague's concerns about the amount of processed food that is in our school meal program. I am also very concerned about this food cliff that we are about to go off with the lack of universal school meals next year. I know that part of why that legislation was vetoed was concerned about meal quality, so I wonder what is being done currently to improve the quality of those meals so that we do not have that concern anymore.

Director Goicoechea:

I will let Brittany or Patricia weigh in, but I will tell you that USDA sets those standards, so we obviously have those conversations. I do not think it is a news flash to anyone in the

room or in Las Vegas or online. If you are watching Congress right now, we are going to be lucky to get them to agree on a nickel, let alone what the food is supposed to be. We need to engage more with the USDA, especially going forward with the Farm Bill that we hope to see very soon because we need that. We are operating under an expired one. That is where we are going to make those changes—back there—and we will do whatever USDA gives us the guidance to do. We will make sure that that is the food that we are putting out in the State of Nevada.

Ms. Mally:

When we go out and look at these schools, we are looking to make sure they are meeting this meal pattern that is set forth by USDA, and these schools and districts are doing that with what they are serving. If they are not, we have them correct it. We also offer technical assistance and provide a lot of resources for them for scratch cooking, different types of flavors. There is a ton of stuff that comes out all the time for this, but it is up to the individual school district and the school food authority to implement those changes at their level.

Assemblywoman La Rue Hatch:

I just want to clarify though that the federal regulations—are those the floor or the ceiling? Are we allowed to improve the quality beyond that floor, or are we required to explicitly give kids the exact food that they are saying in that bill?

Ms. Mally:

We are not telling them the type, but they have a calorie range they have to meet. They have to serve whole grains, low fat milk, fruits and vegetables, and proteins on a daily basis as a part of every meal. That is what they are trying to meet and that is what we are looking for. We are not dictating and telling them exactly the types that have to fit within that. There are plenty of food options that are out there for them to choose from to help meet that meal pattern and the nutrition standards every day. We are trying to make sure they are staying within those parameters.

Ms. Hoppe:

I would add, as an agency with statewide oversite, our statewide oversight is for the federal program regulations, which includes the federal meal pattern that USDA comes out with that every school food authority and their menus and meals must meet, and that is what Brittany is describing. With respect to our authority, our hands are tied at that level. As part of our administrative compliance review, we are looking to ensure that they have program integrity and they are meeting the meal pattern. Now, does our school nutrition team take advantage of opportunities because they do go on site and they have site reviews? They review a variety of meals, breakfast and lunch. They are in the cafeterias watching what is going on. Do they take advantage of technical assistance to talk to them about these things and give them ideas of how they can do better—fresher ingredients, things that they could incorporate? We absolutely do that every opportunity that we have. We also have a monthly forum with all of our school authorities in the State, and sometimes food issues come up. We bring that up as a topic and have conversations and get all of the different school authorities to talk about the things that they are doing. That is where the line in the sand is for us. We can make recommendations; we cannot, from a compliance standpoint, do more than that except for the federal meal pattern.

Director Goicoechea:

To be very clear, it is the floor. You are exactly right. That is what it is. Can we do better? Absolutely. Part of the problem is when you look at what is that reimbursement rate. When a school district gets that reimbursement rate from the USDA for free lunch—$4 to $4.50 per student—that is what they are bound by. If I can go buy chicken nuggets at 99 cents processed a pound, or fresh at $4.99 per pound—they have to balance their budget as well. That is something that we deal with. It is the basement; that is the foundation that they must feed those children at, and those school districts have to make their ends meet as well.

Chair Pazina:

Do we have any other questions? [There were none.] We really appreciate the update on Home Feeds Nevada and all of the great work that you are doing. We look forward to seeing you back at a future date or come the next legislative session.

AGENDA ITEM XI—PUBLIC COMMENT

Chair Pazina:

We will move on to Item XI, our final agenda item, which is public comment.

[Chair Pazina discussed the process for giving public comment.]

Lea Case, Previously Identified:

Thank you, Chair, for the second bite at the apple. Lea Case—just on my own behalf. It has come to my attention that not as many people appreciate a good audit committee as much as I do. If you did not see the Executive Branch Audit Committee yesterday, they did release the report of the review of Nevada's 17 public school districts and the State Public Charter School Authority. If you move to Exhibit 5—or Chapter 5—they talk specifically about school meal funding and the community eligibility provision. This audit is 146 pages long, and I had to run across the street to the Governor's office to get a hard copy. It is not yet posted, but I have been told it will be available by the end of today on the Executive Branch Audit Committee website. You can review all of the recommendations in there.

Sabina Malik, Assistant Professor, UNR Extension; Statewide Specialist in Healthy Food Systems; Chair, Southern Nevada Food Council; Board Member, Small Agriculture Roundtables for Nevada:

I wanted to submit support for Home Feeds Nevada as an innovative local agriculture and economic development program administered by NDA. The products are served as fresh produce, dairy, and protein from local farmers in Nevada, delivering these goods to our two food banks for distribution to more than 250 partners and food pantries throughout the State. Over the past year alone, the program has injected millions of dollars directly to our local producers and farming community, enabling the purchase of over 2 million pounds of locally sourced food distributed through our food banks to all 17 counties. Small farms in Nevada are commonly at risk and have majorly benefited from this funding with many citing the program as a lifeline that saved their operations from collapse, facilitated expansion, and even allowed for hiring additional staff. Among numerous benefits, this vital program has proven instrumental in sustaining our local farms and producers, reducing barriers they face in making their produce accessible, and ensuring nutritious meals for our community through the charitable food system, promoting equity in the food system, and mitigating

emissions associated with transporting food from outside Nevada. The Food Council works to ensure nutrition security through programming, providing equitable access, availability, and affordability of food and beverages that prevent disease for a thriving society. This Home Feeds Nevada Program upholds those values and provides quality nutritious food grown by Nevadans for Nevadans, and we ask for your continued support and attention on this crucial program as we strive to secure long-term solutions for the sustainability of it. Thank you. (Agenda Item XI A)

Rodney Mehring, Owner/Operator, Blue Lizard Farm:

I just want to throw my support behind Home Feeds Nevada. It has been a lifeline for my small farm. We provided 20,000 pounds of fresh produce and fruit to Home Feeds Nevada through Three Square this last year, and we hope to double that production this year. I would like to ask the Legislature to find ways to help keep Home Nevada funded. It is it for farms. We are very front heavy, so we are investing thousands of dollars for later returns on our produce, and if the funding were to end, it would put us out of business. Perhaps the Legislature could find out ways to help offset funding between grant opportunities. I just want to thank everybody that presented today. It was amazing. I want to thank the NDA. They are doing an outstanding job of running the whole Nevada program. (Agenda Item XI B)

Chair Pazina:

Before we adjourn, just a couple of very quick announcements. As previously mentioned, the Subcommittee on Public Lands awaits the recommendation of the tribal representative of the Inter-Tribal Council of Nevada. They are appearing to meet in early March, at which time, they are expecting to make that recommendation. Following that meeting and recommendation, I intend to appoint the representative of tribal governments to the Subcommittee. Please note that the Subcommittee on Public Lands is scheduled to have its first meeting on Friday, March 22, in Schurz, Nevada, and our next meeting for the JISC on Natural Resources will be on Friday, April 5. I appreciate every one of you and all the wonderful questions today. I look forward to seeing you on April 5.

[Rita L. Ransom, Member, Sierra Club Toiyabe Chapter Nevada, Legislative Committee submitted public comment for the record (Agenda Item XI C).]

AGENDA ITEM XII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:30 p.m.

Respectfully submitted,

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Lisa Creamer
Senior Research Policy Assistant

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Jann Stinnesbeck
Principal Policy Analyst

APPROVED BY:

_____

Senator Julie Pazina, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II A	Tina Nappe, Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses (CHNL) Working Group	Public Comment
Agenda Item II B	Karen Boeger, Founding Member, CHNL	Public Comment
Agenda Item II C	Pam Harrington, Natural Resources Officer, Lander County	Public Comment
Agenda Item IV	Colby Pellegrino, Deputy General Manager, Resources, Southern Nevada Water Authority (SNWA), and Andy Belanger, Director of Public Services, SNWA	Microsoft PowerPoint Presentation
Agenda Item V	Adam Sullivan, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources (DCNR), and Melissa Flatley, Esq., Chief Administrative Law Judge, DWR, DCNR	Microsoft PowerPoint Presentation
Agenda Item VI	Julia Meltzer, Zero Waste Coordinator, National Caucus of Environmental Legislators	Microsoft PowerPoint Presentation
Agenda Item VII	Jennifer L. Carr, Administrator, Nevada's Division of Environmental Protection (NDEP), DCNR, and Andrea Seifert, Chief, Bureau of Safe Drinking Water, NDEP, DCNR	Microsoft PowerPoint Presentation

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item VIII	William Payne, Dean, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno (UNR)	Microsoft PowerPoint Presentation
Agenda Item IX	Wendy Millet, Director, TomKat Ranch	Microsoft PowerPoint Presentation
Agenda Item X A	J.J. Goicoechea, Director, Nevada's Department of Agriculture	Microsoft PowerPoint Presentation
Agenda Item X B-1	Beth Martino, President and Chief Executive Officer (CEO), Three Square	Microsoft PowerPoint Presentation
Agenda Item X B-2	Beth Martino, President and CEO, Three Square	Handout—About Three Square
Agenda Item X B-3	Beth Martino, President and CEO, Three Square	Handout—Three Square FY 2023 Snapshot
Agenda Item X B-4	Beth Martino, President and CEO, Three Square	Handout—Home Feeds Nevada Impact Report
Agenda Item X C-1	Nicole Lamboley, President and CEO, Food Bank of Northern Nevada (FBNN)	Handout—Home Feeds Nevada
Agenda Item X C-2	Nicole Lamboley, President and CEO, FBNN	Handout—Home Feeds Nevada Impact by County
Agenda Item XI A	Sabina Malik, Assistant Professor, UNR Extension; Statewide Specialist in Healthy Food Systems; Chair, Southern Nevada Food Council; Board Member, Small Agriculture Roundtables for Nevada	Public Comment
Agenda Item XI B	Rodney Mehring, Owner/ Operator, Blue Lizard Farm	Public Comment

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item XI C	Rita L. Ransom, Member, Sierra Club Toiyabe Chapter Nevada, Legislative Committee	Public Comment

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