



WORK SESSION DOCUMENT

(REVISED)

JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

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

August 23, 2024

INTRODUCTION

The Chair and Legislative Counsel Bureau (LCB) staff of the Joint Interim Standing Committee on Natural Resources (JISCNR) have prepared this "Work Session Document" (WSD) to assist the Committee in determining which legislative measures it will request for the 2025 Session of the Nevada Legislature as well as other actions the Committee may endorse. The WSD contains a summary of recommendations presented during public hearings, through communication with individual Committee members, or through correspondence submitted to the Committee members or staff.

The members of the Committee do not necessarily support or oppose the recommendations in this WSD. Committee staff has compiled and organized the proposals so that Committee members can review them and decide whether they want to accept, reject, modify, or take no action on the recommendations. The WSD groups the proposals by topic, and they are not preferentially ordered.

Pursuant to [NRS 218D.160](#) and [218E.525](#), the JISCNR is limited to 14 legislative measures, at least 4 of which must relate to matters pertaining to public lands based on the recommendations of the Subcommittee on Public Lands.

The Committee may vote to: (1) send as many statements or letters of recommendation or support as it chooses; and (2) include statements in its final report. Committee members are advised that LCB staff, at the direction of the Chair, may coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the Committee's final report.

RECOMMENDATIONS

A. SUBCOMMITTEE ON PUBLIC LANDS

1. Request the drafting of bills, letters, and other possible actions upon the recommendation of the Subcommittee on Public Lands if the Subcommittee makes

any such recommendations. The Subcommittee is to conduct its work session prior to the work session of the JISCNR.

B. AGRICULTURE

2. Send a letter to the Governor and the Director of the State Department of Agriculture expressing support for the Home Feeds Nevada Agriculture Food Purchase Program.

Recommendation based on testimony made during the [February 29, 2024](#), meeting of the JISCNR.

3. Request the drafting of a bill to create a Healthy Soils Initiative to support regenerative agriculture practices in Nevada. The Initiative includes the creation of a Soil Health Advisory Board, run through the [Conservation Districts Program](#) of the State Department of Conservation and Natural Resources (DCNR), which would oversee educational programming as well as grants to agricultural producers as they transition to regenerative agricultural practices.

Recommended by Assemblywoman Selena La Rue Hatch based on testimony made during the [February 29, 2024](#), meeting of the JISCNR. Also recommended by Doug Martin, President, Nevada Association of Conservation Districts; and Kelli Kelly. See Attachment B-3.

C. MINING

4. Send a letter to the United States Department of the Interior urging the Secretary of the Interior to enact an administrative withdrawal of public lands in the Amargosa Valley from new mining for a temporary period of 20 years.

Recommended by Assemblywoman Selena La Rue Hatch based on testimony made during the [June 4, 2024](#), meeting of the JISCNR. Also recommended by Jaina Moan, External Affairs Director, The Nature Conservancy (TNC), and Laurel Saito, Nevada Water Strategy Director, Northern Nevada Field Office, TNC; and Mason Voehl, Executive Director, Amargosa Conservancy. See Attachment C-4.

D. OUTDOOR RECREATION

5. Request the drafting of a bill to create a “transit to trails” task force that is charged with: (1) identifying and securing funding for public transit that runs to trailheads; and (2) identifying high-priority areas for a potential future transit to trails program.

Recommended by Olivia Tanager, Executive Director, Sierra Club Toiyabe Chapter. See Attachment D-5.

E. WATER

6. Request the drafting of a bill revising [NRS 533.0243](#) to extend the time limit of a temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water from three to ten years.

Recommended by Kyle Roerink, Executive Director, Great Basin Water Network, during the [May 10, 2024](#), meeting of the JISCNR.

7. Request the drafting of a bill based on [Senate Bill 99](#) from the 2023 Session that appropriates \$600,000 per year for each year of the 2025–2027 Biennium from the State General Fund to the Desert Research Institute (DRI) of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program.

Recommended by Tracy Bower, Director of External Affairs, DRI; and Jeff Fontaine, Executive Director, Humboldt River Basin Water Authority. See Attachment E-7.

8. Request the drafting of a bill that revises various provisions of water law. This includes, but is not limited to: (1) an addition to [Chapter 445A](#) of NRS to encourage and promote water reuse as a policy of the State; (2) an addition to [NRS 445A.520](#) related to standards of water quality that authorizes the State Environmental Commission to consider the establishment of a water quality standard variance, pursuant to federal law, which meets certain criteria; (3) defining “eligible property owner” in [Chapter 439](#) of NRS for purposes of a district board of health voluntary financial assistance program to pay for costs related to abandoning existing septic systems served by a municipal water system to connect to community sewerage; and (4) the establishment of the Account for Retiring Water Rights in the State General Fund and the Nevada Voluntary Water Rights Retirement Program and expires the Program on June 30, 2035.

Recommended by Chaunsey Chau-Duong, Las Vegas Valley Water District. See Attachment E-8 for bill language and support letter signed by Allen Biaggi, Andy Belanger, Doug Busselman, Patrick Donnelly, Leo Drozdoff, Jeff Fontaine, Chris Mahannah, Kyle Roerink, and Jake Tibbitts.

9. Request the drafting of a bill based on the amended version of [Senate Bill 176](#) from the 2023 Legislative Session, excluding the sections creating the Account for Purchasing and Retiring Water Rights and the appropriation from the State General Fund to the Account. The bill would: (1) create the Nevada Conservation and Recreation Program, consisting of the Nevada Water Buy-Back Initiative and a grant program; and (2) establish an advisory committee for the Initiative.

Recommended by Chair Julie Pazina and Senator Pete Goicoechea. Also recommended by Jaina Moan, External Affairs Director, TNC, and Laurel Saito, Nevada Water Strategy Director, Northern Nevada Field Office, TNC. See Attachment E-9 and information provided by TNC under C-4.

F. WILDFIRE

10. Send a letter to the Governor encouraging a State General Fund appropriation to support the continued work of the Nevada Shared Stewardship Agreement.

Based on testimony by Cheva Gabor, Nevada Liaison, United States Forest Service, U.S. Department of Agriculture, during the [May 10, 2024](#), meeting of the JISCNR; and recommended jointly by the Directors of DCNR, the State Department of Agriculture, and the Department of Wildlife. See Attachment F-10.

11. Request the drafting of a bill authorizing the Governor and Nevada’s Division of Forestry (NDF) to enter into certain fire compacts.

Recommended by Kacey KC, State Forester Firewarden, NDF, DCNR, during the [May 10, 2024](#), meeting of the JISCNR. See Attachment F-11.

G. WILDLIFE

12. Request the drafting of a bill that appropriates \$5 million from the State General Fund into the Wildlife Crossings Account to support the construction of new wildlife crossings in Nevada.

Recommended by Nicholas Callero, Senior Officer, U.S. Conservation-Intermountain West, The Pew Charitable Trusts; and Kyle Davis, Pinyon Public Affairs, Representing The Pew Charitable Trusts, during the [June 4, 2024](#), meeting of the JISCNR. See Attachment G-12.

ATTACHMENT B-3

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us.

Name:	Doug Martin
Contact Information:	President dougmartin@nvacd.org
Date:	7/29/2024
Organization: (if applicable)	Nevada Association of Conservation Districts
Recommendation: Please provide a detailed description of the recommendation.	Submit a BDR mirroring the First Reprint of AB 109 in the 2023 Legislative Session - https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/9722/Text# - creating the Nevada Healthy Soils Initiative.
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	Yes, NRS 548.
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	<p>Please see exhibits and presentation on AB 109 from the 2023 Legislative Session at https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/9722/Exhibits.</p> <p>Many states have stood up similar initiatives and programs. See healthysoilspolicy.org. AB 109 was modeled much after the legislation passed in Utah - see https://nerdsforearth.com/utah-healthy-soils-policy/.</p> <p>The Committee will be receiving a support letter on this request from many stakeholders before the work session in August.</p>

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Name:	Kelli Kelly
Contact Information:	kelli.m.kelly@gmail.com
Date:	7/19/2024
Organization: (if applicable)	
Recommendation: Please provide a detailed description of the recommendation.	Healthy Soils Nevada Creates Soil Health Advisory Board housed under the State Conservation Commission. Creates Healthy Soils Initiative & provides funding for staff in the State Department of Conservation & Natural Resources to implement the program.
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	NRS 548
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	AB 109 - Healthy Soils Nevada https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/9722/Text#

ATTACHMENT C-4



THE NATURE CONSERVANCY

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Reno, NV 89501

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July 31, 2024

Senator Julie Pazina, Chair
Joint Interim Standing Committee on Natural Resources
Submitted via email to NRInterim@lcb.state.nv.us

Subject: Recommendations for the Joint Interim Standing Committee on Natural Resources from The Nature Conservancy in Nevada

Dear Chair Pazina and Members of the Committee,

For 40 years, The Nature Conservancy (TNC) has been working in Nevada with a mission to conserve the lands and waters on which all life depends. We appreciate the opportunity to provide recommendations for the Joint Interim Standing Committee on Natural Resources. Below we provide recommendations associated with water and lands that can affect our natural resources in Nevada.

Recommendations on water resources

As you've heard often, Nevada is the driest state in the United States, and so it needs to manage its limited water supplies wisely to ensure livelihoods for people and nature into the future. The state is very fortunate to have groundwater that supplements its limited surface water supplies, supplying domestic use, ranching, agriculture, mining, business, industry, hunting, fishing, and recreation. This groundwater is also essential for Nevada's natural environment, supporting groundwater-dependent ecosystems (GDEs) that rely on groundwater for all or part of their structure and function. These ecosystems are critical for plants, fish, and wildlife, and also provide valuable ecosystem services to people, such as water purification, water retention, and climate regulation.

The Nevada Indicators of Groundwater Dependent Ecosystems database revealed that over 10 percent of Nevada's land is likely covered with GDEs, and Nevada has over 25,000 springs (Saito et al. 2020). When we assessed stressors and threats to these GDEs, we found that 39% of the over 6,500 wells we analyzed had significantly declining groundwater levels over 1984-2021, indicating that groundwater overuse is already having impacts in Nevada. In addition, all of Nevada is projected to have more droughts in the future, which will exacerbate other stressors and threats GDEs are facing (Saito et al. 2022a).

We therefore have the following recommendations in relation to using the best available science for rendering decisions concerning available surface water and groundwater:

- **We recommend a BDR for legislation enabling the development of a program to voluntarily retire groundwater rights in Nevada.** A strategy for managing and sustaining GDEs in Nevada is to enact policies to reduce excessive groundwater withdrawals and over-appropriation (Saito and Munn 2023). According to NDWR (2023), over half of Nevada's 256 hydrographic areas (administrative groundwater units) are over-appropriated (36 by over 350%), and 23% are over-pumped. Saito et al. (2022a) found that 20% of Nevada GDEs are in over-pumped hydrographic areas, and at least 40% of each GDE type (i.e., springs, wetlands, phreatophyte communities, rivers and streams, and lakes and

playas) are in hydrographic areas that are over-appropriated.

We recommend legislation that would enable the establishment of a voluntary groundwater rights retirement program in Nevada that would be aimed at permanently reducing consumptive use of groundwater. Such a program could prioritize reducing groundwater use in places with declining groundwater levels, especially when there are conflicts with existing water users or impacts to GDEs. Voluntary groundwater rights retirement programs have successfully been used in states like Kansas and Colorado for decades to provide incentives for agricultural water users to reduce groundwater use permanently to resolve declining groundwater levels¹. Nevada has piloted such a program through the [Nevada Water Conservation and Infrastructure Initiative](#) (NWCII) using \$21 million of American Rescue Plan Act funds. The state can use lessons learned from that program as well as programs in other states to craft a robust program through regulations, but a program and account for receiving funds to retire groundwater rights needs to first be established legislatively.

In 2023, [Senate Bill 176](#) proposed the establishment of a groundwater rights retirement program and had support from a broad group of stakeholders, but did not pass. Language in that bill could be a good starting point for a bill for the 2025 Legislative Session. We recommend that legislation for 2025 be prepared as a stand-alone bill rather than being part of a bill that has other initiatives included. Although there continues to be broad stakeholder support for the development of legislation on groundwater rights retirement because many water stakeholders recognize the unsustainability of current overappropriation and overpumping, the contentiousness of water issues could make it more difficult to maintain agreement on legislation that contains multiple water initiatives.

We also recommend that funding be included to establish the program in the Department of Conservation and Natural Resources. As with SB 176, we recommend that the program guidelines be established in regulation to enable sufficient time and interaction with stakeholders to craft a strong and robust program that will effectively reduce overuse of groundwater. Such interaction will require staff time and travel to ensure development of a strong tool that considers diverse perspectives. We suggest that at least \$275,000 be attached to the bill to cover staff time and travel for establishing regulations. In addition, \$2-3 million would also provide seed money for establishing match for federal funds that could be used to retire groundwater rights.

Thus, our specific recommendation is to use language from SB 176 as a starting point to enable the development of a program to voluntarily retire groundwater rights in Nevada that 1) permanently reduces consumptive use of groundwater and makes retired groundwater rights unavailable for any future consumptive use or appropriation; 2) prioritizes retiring groundwater in over-pumped hydrographic areas where groundwater tables are declining or there are impacts to natural resources; and 3) is enabled through a stand-alone bill that includes funding to establish the program.

To ensure that we take advantage of the opportunity to learn from the ongoing water rights retirement process through the NWCII program, we would also like to see reporting of the process, outcomes, and lessons learned from the NWCII program done to help inform stakeholders, legislators, and others about groundwater rights retirement in Nevada. Thus, **we also recommend that a report be prepared on the NWCII program to retire groundwater rights** that:

- 1) Summarizes how the NWCII funds were used (i.e., how much groundwater was retired and where).

¹ See handouts for Agenda Item VII for [May 10, 2024 meeting](#) of the Interim Natural Resources Committee

- 2) What process was used to identify willing sellers by each of the entities that were allocated funds.
 - 3) What lessons were learned as the processes were implemented.
 - 4) What recommendations these entities might have for a permanent voluntary groundwater rights retirement program in Nevada.
- **We recommend that the Interim Natural Resources Committee issue a BDR to support additional funding for the Nevada State Engineer to use the best available science in rendering decisions.** We recognize that the Joint Interim Standing Committee on Natural Resources is not a financial committee, but we are recommending that the Committee submit a BDR to support the Division of Water Resources to ensure their capability to use the best available science. At their current funding levels, their capacity to do so is limited. To ensure the Division of Water Resources is able to use the best available science, we recommend specifically providing funding for the following:
 - **Nevada Water Initiative to update groundwater basin budgets in the 256 hydrographic areas in Nevada:** Most of the water budget information used to establish the perennial yield in the hydrographic areas is 50-70 years old, and better approaches, technologies, and data are now available. Using American Rescue Plan Act Funds, the Nevada Division of Water Resources (NDWR) has begun a statewide reassessment of water budgets, but this funding is not enough to complete the work. NDWR should be provided with sufficient funding to finish updating these budgets with the assistance of the Desert Research Institute and the United States Geological Survey and enable the State Engineer to work with the best available science for managing the State's groundwater. We support updating groundwater basin budgets with sound science to enable long-term sustainability of vital water resources.
 - **Collection of data and monitoring of water resources and ecosystems across the state:** For the State Engineer to adequately manage water in Nevada with the best available science, more information about water availability and use over time is needed throughout Nevada. Monitoring of hydrologic and ecologic data at appropriate spatial and temporal scales are essential to maintain sustainable water resources (Saito et al. 2021). For example, there are limited data available on potential impacts to springs from groundwater withdrawals. In our recent assessment of stressors and threats to groundwater-dependent ecosystems in Nevada, we found that only 197 out of over 25,000 springs in Nevada were within 0.5 mile of a well with at least 5 years of groundwater level measurements from 2002 to 2021 (Saito et al. 2022b). These springs are often sites of endemic taxa, as well as sources of surface water for streams, rivers, and lakes (Cantonati et al. 2020), and even small decreases in water availability can result in significant impacts.
 - **Staff positions to complete basin adjudications:** Only one of 256 hydrographic areas (administrative groundwater units) in Nevada has been adjudicated, leaving uncertainty in the remaining hydrographic areas about how much groundwater is really available for use. The legislature passed SB 270 in 2017 that requires claims for vested water rights be filed by December 31, 2027, but the assessment of those claims can be very time consuming because of their historic nature, with most being related to water use over a century ago. A lack of full adjudication in a hydrographic area places an increased burden on water right owners, the State Engineer, and other groups working towards sustainable water management.
 - **Digitization of records and data at the Division of Water Resources:** The Division of Water Resources has many original paper-file documents that need to be preserved because

the history of these water rights needs to be acknowledged as the Division goes forward in making decisions. Digitizing paper documents would not only preserve them and provide back-ups/duplicate versions of the records, but it would also make them publicly available to all Nevadans and reduce the need for people in rural locations to make long trips to Carson City or Las Vegas to review them.

- **We recommend a BDR for a Legislative Resolution to support enhancing safeguards to protect groundwater, sensitive ecosystems and communities in the area around Ash Meadows National Wildlife Refuge, Amargosa Valley, Nevada.**

We appreciate the Committee hearing a presentation about the threats to the groundwater resources and species at Ash Meadows National Wildlife Refuge from proposed lithium exploration and mining at their meeting on June 10, 2024.

One cannot overstate the importance of Ash Meadows National Wildlife Refuge (NWR). It is a unique ecological treasure, a recognized global biodiversity hotspot, and is home to the highest density of endemic species (found only at Ash Meadows and no place else) in the United States. The springs and groundwater resources are a critical part of the Amargosa River, an underground river that flows from Oasis Valley in Nevada to Badwater Basin in Death Valley National Park. Along the way, the Amargosa River appears on the surface as springs and pools which support an incredibly rich web of life in one of the hottest, driest places on Earth.

TNC is deeply invested in the conservation and protection of this place. In fact, Ash Meadows NWR was established on June 18, 1984 through a collaboration between The Nature Conservancy, US Bureau of Land Management (BLM), and the US Fish and Wildlife Service to protect and restore the many rare plants and animals found there. There are 12 species listed under the Endangered Species Act as threatened or endangered living at the Refuge and the property includes a parcel managed by the National Park Service to preserve the endangered Devils Hole pupfish.

Although TNC typically does not publicly oppose projects, TNC issued a statement in opposition to a proposed lithium exploration activity bordering the Refuge in July 2023 (<https://www.nature.org/en-us/newsroom/nevada-statement-lithium-ash-meadows/>). We took this action because of the potential catastrophic consequences that could result from exploratory drilling occurring so close to the springs and pools in the Refuge. These serious concerns were informed by a review of well logs that had been drilled in the area and a case study of an artesian flow that resulted in an area of similar hydrology within the Amargosa Basin.

TNC supports efforts to better buffer Ash Meadows NWR from threats to the groundwater resources and associated species. The local communities, tribes, and conservation groups have proposed a mineral withdrawal for the area around Ash Meadows. To better understand the need for and the resources that would be affected by a mineral withdrawal, TNC commissioned two additional studies. One study modeled the potential groundwater withdrawals and hydrologic impacts from a proposed lithium extraction project and the second study assessed the potential mineral commodities that would be affected by such a mineral withdrawal.

The hydrologic modeling indicates that mining activities near Ash Meadows could significantly and dramatically impact the groundwater flows that feed the springs in the refuge. For example, the model estimated a 20% reduction overall of spring discharge and evapotranspiration at Ash Meadows NWR if mine dewatering of 1,500 gallons per minute were to occur east of the Gravity Fault. The minerals assessment identified lithium, crushed stone, sand and gravel, and metallics as potential mineral commodities, with 3,000 existing mining claims within the boundary of the proposed mineral

withdrawal study area. The goals of these studies were to provide the scientific background information to support the efforts to protect the springs and the species that depend on them at Ash Meadows NWR. We are happy to share the technical memos with the Committee on request.

TNC is not alone in its concern for the threats to water resources and species at Ash Meadows NWR from mineral exploration and development. Ash Meadows is an important environmental, cultural, and economic resource for the local communities and Tribes. The Timbisha Shoshone Tribe, Nye County Commission, Amargosa Valley Town Board, Beatty Town Board, Amargosa Conservancy and other conservation organizations have all sent letters or resolutions to the Department of Interior expressing support for a mineral withdrawal surrounding the Refuge.

Given the importance of this ecological resource to the natural heritage and rural communities of Nevada, we appreciate the Interim Committee's consideration of a BDR request for a legislative resolution to support enhancing safeguards to protect groundwater, sensitive ecosystems, and communities in the area around Ash Meadows National Wildlife Refuge, Amargosa Valley, Nevada and Death Valley National Park.

Thank you for the opportunity to provide comments, and please do not hesitate to contact Jaina Moan, Nevada External Affairs Director (jaina.moan@tnc.org) if you need further information.

Sincerely,



Mauricia M. M. Baca
State Director

cc: Jann Stinnesbeck, Principal Policy Analyst, Legislative Counsel Bureau
Jaina Moan, TNC Nevada External Affairs Director
Laurel Saito, TNC Nevada Water Strategy Director

encs. Recommendation forms

References:

- Cantonati M, et al. 2020. Characteristics, main impacts, and stewardship of natural and artificial freshwater environments: Consequences for biodiversity conservation. *Water* 12: 260. doi: 10.3390/w12010260.
- Lowell N, Kelly RP. 2016. Evaluating agency use of “best available science” under the United States Endangered Species Act. *Biological Conservation* 196:53-59.
- Murphy DD, Weiland PS. 2011. The route to best science in implementation of the Endangered Species Act's consultation mandate: The benefits of structured effects analysis. *Environmental Management* 47:161-172.
- [NDWR] Nevada Division of Water Resources. 2023. Basin Status Map Series. Available at <https://water.nv.gov/documents/2023%20Basin%20Status%20Map%20Series.pdf>.
- Saito L, Byer S, Badik K, McGwire K, Provencher L, Minor B. 2020. Mapping indicators of groundwater dependent ecosystems in Nevada: Important resources for a water-limited state. *Journal of Nevada Water Resources Association*, Winter 2020: 48-72. Available at <http://www.nvwra.org/journal>. DOI: 10.22542/jnwra/2020/1/3

- Saito L, Christian B, Diffley J, Richter H, Rohde MM, Morisson SA. 2021. Managing groundwater to ensure ecosystem function. *Groundwater* 59(3): 322-333. doi: 10.1111/gwat.13089. Available at <https://ngwa.onlinelibrary.wiley.com/doi/10.1111/gwat.13089>.
- Saito L, Byer S, Badik K, Provencher L, McEvoy D. 2022a. Stressor and threat assessment of Nevada groundwater dependent ecosystems. Reno: The Nature Conservancy. Available at <https://www.groundwaterresourcehub.org/where-we-work/nevada/nevada-gde-stressor-threat/>.
- Saito L, Freed Z, Byer S, Schindel M. 2022b. The vulnerability of springs and phreatophyte communities to groundwater level declines in Oregon and Nevada, 2002-2021. *Frontiers in Environmental Science* 10:1007134. <https://doi.org/10.3389/fenvs.2022.1007114>
- Saito L, Munn L. 2023. Strategies for Managing and Sustaining Groundwater Dependent Ecosystems in Nevada. Reno: The Nature Conservancy.

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Name:	Laurel Saito and Jaina Moan
Contact Information:	laurel.saito@tnc.org, jaina.moan@tnc.org
Date:	July 31, 2024
Organization: (if applicable)	The Nature Conservancy
Recommendation: Please provide a detailed description of the recommendation.	<p>We recommend a BDR for legislation that would enable the establishment of a voluntary groundwater rights retirement program in Nevada that would be aimed at permanently reducing consumptive use of groundwater. Such a program could prioritize reducing groundwater use in places with declining groundwater levels, especially when there are conflicts with existing water users or impacts to groundwater-dependent ecosystems.</p> <p>Thus, our specific recommendation is to use language from SB 176 as a starting point to enable the development of a program to voluntarily retire groundwater rights in Nevada that 1) permanently reduces consumptive use of groundwater and makes retired groundwater rights unavailable for any future consumptive use or appropriation; 2) prioritizes retiring groundwater in over-pumped hydrographic areas where groundwater tables are declining or there are impacts to natural resources; and 3) is enabled through a stand-alone bill that includes funding to establish the program.</p> <p>To ensure that we take advantage of the opportunity to learn from the ongoing water rights retirement process through the NWCII program, we would also like to see reporting of the process, outcomes, and lessons learned from the NWCII program done to help inform stakeholders, legislators, and others about groundwater rights retirement in Nevada. Thus, we also recommend that a report be prepared on the NWCII program to retire groundwater rights that:</p> <ol style="list-style-type: none"> 1) Summarizes how the NWCII funds were used (i.e., how much groundwater was retired and where) 2) What process was used to identify willing sellers by each of the entities that were allocated funds 3) What lessons were learned as the processes were implemented 4) What recommendations these entities might have for a permanent voluntary groundwater rights retirement program in Nevada
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	In 2023, Senate Bill 176 proposed the establishment of a groundwater rights retirement program and had support from a broad group of stakeholders, but did not pass. It proposed to revise NRS chapters 533, 534, and 232. Language in that bill could be a good starting point for a bill for the 2025 Legislative Session. We recommend that legislation for 2025 be prepared as a stand-alone bill rather than being part of a bill that has other initiatives included.
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	<p>A strategy for managing and sustaining GDEs in Nevada is to enact policies to reduce excessive groundwater withdrawals and over-appropriation (Saito and Munn 2023). According to NDWR (2023), over half of Nevada's 256 hydrographic areas (administrative groundwater units) are over-appropriated (36 by over 350%), and 23% are over-pumped. Saito et al. (2022a) found that 20% of Nevada GDEs are in over-pumped hydrographic areas, and at least 40% of each GDE type are in hydrographic areas that are over-appropriated. (References included in cover letter.)</p> <p>Nevada has piloted a groundwater rights retirement program through the Nevada Water Conservation and Infrastructure Initiative (NWCII) using \$21 million of American Rescue Plan Act funds. The state can use lessons learned from that program as well as programs in other states to craft a robust program through regulations, but a program and account for receiving funds to retire groundwater rights needs to first be established legislatively first.</p> <p>We also recommend that funding be included to establish the program in the Department of Conservation and Natural Resources. As with SB 176, we recommend that the program guidelines be established in regulation to enable sufficient time and interaction with stakeholders to craft a strong and robust program that will effectively reduce consumptive overuse of groundwater. Such interaction will require staff time and travel to ensure development of a strong tool that considers diverse perspectives. We suggest that at least \$275,000 be attached to the bill to cover staff time and travel for establishing regulations. In addition, \$2-3 million would also provide seed money for establishing match for federal funds that could be used to retire groundwater rights.</p>

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Contact Information:	laurel.saito@tnc.org, jaina.moan@tnc.org
Date:	July 31, 2024
Organization: (if applicable)	The Nature Conservancy
Recommendation: Please provide a detailed description of the recommendation.	We recommend that the Interim Natural Resources Committee issue a BDR to support additional funding for the Nevada State Engineer to use the best available science in rendering decisions. To ensure the Division of Water Resources is able to use the best available science, we recommendation specifically providing funding for the following: 1. Nevada Water Initiative to update groundwater basin budgets in the 256 hydrographic areas in Nevada. 2. Collection of data and monitoring onfwater resources and ecosystems across the state. 3. Staff positions to complete basin adjudications 4. Digitization of records and data
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	We are not proposing to change any NRS with this recommendation. We recognize that the Joint Interim Standing Committee on Natural Resources is not a financial committee, but we are recommending that the Committee submit a BDR to support the Division of Water Resources to ensure that they have the capacity to use the best available science. At their current funding levels, their capacity to do so is limited.
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	See cover letter for additional rationale and information about the funding needs.

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us).

Name:	Laurel Saito and Jaina Moan
Contact Information:	laurel.saito@tnc.org, jaina.moan@tnc.org
Date:	July 31, 2024
Organization: (if applicable)	The Nature Conservancy
Recommendation: Please provide a detailed description of the recommendation.	We recommend a BDR for a Legislative Resolution to recognize the important natural and cultural resources of Ash Meadows National Wildlife Refuge and to support enhancing safeguards to protect groundwater, sensitive ecosystems and communities in the area around the Refuge, Amargosa Valley, Nevada, and Death Valley National Park.
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	We are not proposing to change NRS with this recommendation.
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	<p>One cannot overstate the importance of Ash Meadows National Wildlife Refuge (NWR). It is a unique ecological treasure, a recognized global biodiversity hotspot, and is home to the highest density of endemic species (found only at Ash Meadows and no place else) in the United States. The springs and groundwater resources are a critical part of the Amargosa River, an underground river that flows from Oasis Valley in Nevada to Badwater Basin in Death Valley National Park. Along the way, the Amargosa River appears on the surface as springs and pools which support an incredibly rich web of life in one of the hottest, driest places on Earth.</p> <p>The Conservancy supports efforts to better buffer Ash Meadows NWR from threats to the groundwater resources and associated species from proposed lithium mining. The local communities, tribes, and conservation groups have proposed a mineral withdrawal for the area around Ash Meadows.</p> <p>Ash Meadows is an important environmental, cultural, and economic resource for the local communities and Tribes. The Timbisha Shoshone Tribe, Nye County Commission, Amargosa Valley Town Board, and Beatty Town Board have all sent letters or resolutions to the Department of Interior expressing support for a mineral withdrawal surrounding the Refuge. Additional information can be found in our cover letter.</p>



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Mason Voehl
mason@amargosaconservancy.org
(507) 830-0238
7/29/2024
Amargosa Conservancy

SUGGESTIONS for RECOMMENDATIONS FOR THE
STATE OF NEVADA
JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

On behalf of a coalition including the Timbisha Shoshone Tribe, Nye County Board of County Commissioners, Nye County Water District, Amargosa Valley Town Board, Beatty Town Advisory Board, and numerous nonprofit organizations, we submit to the Committee a recommendation for a possible BDR supporting enhanced protections for Ash Meadows National Wildlife Refuge.

During a hearing held on June 4th, 2024, the Committee received testimony from Tribal and local government officials and from conservation experts regarding the exceptional cultural and biodiversity values of Ash Meadows National Wildlife Refuge (NWR) located in Amargosa Valley, Nye County, Nevada. Testimony from these representatives detailed the Ash Meadows' special standing as the largest oasis in the Mojave Desert, and described current threats posed to its integrity by proposed exploratory drilling and mining operations on its borders. Local leaders testified to the need to enhance safeguards to Ash Meadows, Death Valley National Park, and the communities of Amargosa Valley and beyond through withdrawing public lands in this sensitive area from new mineral entry.

Due to the location of Ash Meadows and the state's responsibility to sustainably manage and conserve groundwater resources, the coalition submits the following suggestions for recommendations:

1. Draft a resolution for consideration during the 2025 legislative session, urging the federal government to take actions toward enhancing protections for Ash Meadows NWR, Death Valley National Park, and the communities of Amargosa Valley and their tributary groundwater basins.

The Amargosa Conservancy works toward a sustainable future for the Amargosa River and Basin through science, stewardship, and advocacy.

A 501c3 Non-Profit Corporation, FIN 87-0748171



2. Send a letter to the Department of the Interior *as soon as possible*, urging the Secretary of the Interior to enact an administrative withdrawal of public lands in the Amargosa Valley from new mining for a temporary period of 20 years.

DRAFT Assembly Joint Resolution

Joint Interim Standing Committee on Natural Resources

WHEREAS, Ash Meadows National Wildlife Refuge (Ash Meadows), located in Nye County, Nevada, has been a part of the ancestral homelands of the Timbisha Shoshone, Southern Paiute, Chemehuevi, and certain Newe and Nuwu peoples, since time immemorial and remains a place of significant cultural and spiritual uses for these peoples; and

WHEREAS, Ash Meadows was established as a protected wildlife refuge administered by the United States Fish and Wildlife Service in 1984 to protect and restore fish, wildlife, and plant habitats for current and future generations; and

WHEREAS, Ash Meadows consists of over 30 springs, seeps, and sloughs sustained by ancient groundwater in one of the hottest and driest deserts in the world; and

WHEREAS, Ash Meadows provides habitat for the highest local concentration of endemic species — species found nowhere else — in the United States, and second highest in North America, sheltering at least 26 unique species and 12 species listed as threatened or endangered under the Endangered Species Act; and

WHEREAS, Ash Meadows became the 4th Ramsar Wetland of International Importance in 1986; and

WHEREAS, Ash Meadows surrounds the Devils Hole unit of Death Valley National Park, added by presidential proclamation in 1952; and

WHEREAS, Devils Hole is the sole habitat of the critically endangered Devils Hole pupfish (*Cyprinodon diabolis*); and

WHEREAS, The United States Supreme Court in *Cappaert v. United States* mandated the Nevada State Engineer maintain a high enough water level in Devils Hole to sustain habitat for the endangered Devils Hole pupfish; and

WHEREAS, Death Valley National Park, administered by the National Park Service, derives groundwater needed to sustain habitat and uphold its federal reserve water right from the Amargosa River and underlying Death Valley Regional Carbonate Aquifer; and

WHEREAS, The Amargosa Wild & Scenic River and several designated wilderness areas in California derive groundwater needed to sustain habitat and uphold their federal reserve water rights from the Amargosa River and underlying Death Valley Regional Carbonate Aquifer; and



WHEREAS, Ash Meadows, Death Valley National Park, and the communities of Amargosa Valley, Crystal, and Johnnie in Nevada and Furnace Creek, Death Valley Junction, Shoshone, and Tecopa in California depend on the waters of the Amargosa River for their lives and livelihoods; and

WHEREAS, These protected landscapes and communities face acute threats to their survival in the form of proposed and possible mining activities on lands managed by the Bureau of Land Management with the potential to significantly and permanently alter and degrade groundwater resources; and

WHEREAS, Withdrawing public lands in the Amargosa Valley from new mineral entry would significantly enhance protections for these communities and ecosystems, and bolster the state of Nevada's ability to sustainably manage groundwater in this portion of Basin #230; and

WHEREAS, Withdrawal of these lands from new mineral entry would preserve irreplaceable cultural and biological values cherished by Tribes, local communities, and tourists from around the world; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY That members of the 83rd Session of the Nevada Legislature hereby urge the Congress of the United States and Secretary of the Interior to take action to further protect Ash Meadows National Wildlife Refuge and Death Valley National Park, including without limitation, initiating and executing an Administrative withdrawal of public lands from new mineral entry for a temporary period of 20 years, or securing permanent withdrawal of these lands through legislative jurisdiction, and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of the Interior, the Director of the Bureau of Land Management, the Nevada State Director of the Bureau of Land Management, the Director of the U.S. Fish and Wildlife Service, the Director of the National Park Service, and each member of the Nevada Congressional Delegation, and be it further

RESOLVED, That this resolution becomes effective upon passage.

DRAFT Letter of Support

[State of Nevada Joint Interim Standing Committee on Natural Resources Letterhead]

[Date]

The Honorable Catherine Cortez Masto
United States Senator
333 Las Vegas Boulevard South

The Honorable Jacky Rosen
United States Senator
333 Las Vegas Boulevard South

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Suite 8016
Las Vegas, NV 89101

Suite 8203
Las Vegas, NV 89101

The Honorable Steven Horsford
United States Representative
2250 N Las Vegas Blvd
Suite 500
North Las Vegas, NV 89030

The Honorable Susie Lee
United States Representative
7785 W Sahara Ave
Suite 203
Las Vegas, NV 89117

The Honorable Dina Titus
United States Representative
495 South Main Street, 3rd Floor
Las Vegas, NV 89101

The Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street, NW
Washington, D.C., 20240

The Honorable Martha Williams
Director

The Honorable Charles Sams III
Director

U.S Fish and Wildlife Service

National Park

Service
1849 C Street, NW
Washington, DC 20240

1849 C Street, NW
Washington, D.C. 20240

The Honorable Jon Raby
Nevada State Director
Bureau of Land Management
1340 Financial Blvd.
Reno, NV 89502

Subject: Support for the Protection of Ash Meadows National Wildlife Refuge and Death Valley National Park

Dear [Recipient's Name],

On behalf of the State of Nevada Joint Interim Standing Committee on Natural Resources, we write to express our strong support for the ongoing and future protection of Ash Meadows National Wildlife Refuge and Death Valley National Park. These areas are of profound

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ecological, cultural, and historical significance, not only to Nevada but also to the nation and the world.

The Joint Interim Standing Committee on Natural Resources is an ongoing statutory committee of the Nevada Legislature whose authority and duties are set forth in *Nevada Revised Statutes* 218E.320 through 218E.330. Meeting between the biennial sessions of the Legislature, the Committee evaluates, reviews, and comments upon matters related to natural resources within Nevada

Ash Meadows National Wildlife Refuge, located in Nye County, Nevada, is a sacred site for the Timbisha Shoshone, Southern Paiute, Chemehuevi, and certain Newe and Nuwu peoples. This refuge, established in 1984, plays a crucial role in preserving the unique habitats of over 30 springs, seeps, and sloughs sustained by ancient groundwater. These habitats support the highest local concentration of endemic species in the United States, with at least 26 unique species, including 12 listed as threatened or endangered under the Endangered Species Act.

The refuge's importance is further highlighted by its designation as a Ramsar Wetland of International Importance in 1986 and its proximity to the Devils Hole unit of Death Valley National Park, which harbors the critically endangered Devils Hole pupfish (*Cyprinodon diabolis*). The U.S. Supreme Court's decision in *Cappaert v. United States* mandates the protection of this species' habitat, emphasizing the importance of maintaining adequate water levels in Devils Hole.

The Amargosa River and the underlying Death Valley Regional Carbonate Aquifer are vital for sustaining these ecosystems and the surrounding communities. The communities of Amargosa Valley, Crystal, and Johnnie in Nevada, as well as Furnace Creek, Death Valley Junction, Shoshone, and Tecopa in California, all depend on these waters for their livelihoods.

Given the threats posed by potential mining activities on lands managed by the Bureau of Land Management, which could severely impact groundwater resources, we strongly urge the Congress of the United States and the Secretary of the Interior to take immediate and decisive action. Specifically, we support an administrative withdrawal of public lands from new mineral entry for a temporary period of 20 years or the permanent withdrawal of these lands through legislative action.

This withdrawal is crucial for preserving the irreplaceable cultural and biological values cherished by Tribes, local communities, and visitors from around the globe. It will also enhance Nevada's ability to manage its groundwater resources sustainably.

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Shoshone, CA 92384
(702)900-7589
www.amargosaconservancy.org

Thank you for your attention to this matter. We look forward to your positive response and continued cooperation in safeguarding these invaluable natural and cultural resources in our state.

Sincerely,

[Your Name]

[Your Title]

State of Nevada Joint Interim Standing Committee on Natural Resources

[Contact Information]

Please adjust any specific details or add signatures as needed.

The Amargosa Conservancy works toward a sustainable future for the Amargosa River and Basin through science, stewardship, and advocacy.

ATTACHMENT D-5

Transit to Trails Nevada

1. **Name:** Olivia Tanager
2. **Contact information:** Olivia.Tanager@sierraclub.org, 504-400-3113
3. **Organization:** Sierra Club Toiyabe Chapter
4. **Recommendation:** Please provide a detailed description of the recommendation.

Transit to Trails

What: "Transit to Trails" refers to public transportation services and facilities that offer access to green spaces and public recreational areas. Transit to Trails would help ensure that public lands are in reach for everyone, regardless of income level, race, ethnicity, neighborhood or health. It would also help economic growth from tourists traveling to Nevada for our outdoor recreation opportunities.

We are proposing the creation of a Transit to Trails task force through state legislation that would be able to identify high priority lines, and secure federal funding for public transit that runs to trailheads. The task force would convene all necessary stakeholders- representatives from land management agencies, regional transit authorities, community members, conservation groups, and law enforcement agencies.

Why: Currently, 100 million people - including 28 million children - cannot safely walk to a park or green space from their home. People of color and low-income families in cities across the U.S. are significantly less likely to live near a park or green space.

This bill would establish a task force which would help support projects that either create new transportation connectors between underserved communities and public lands, or improve accessibility in existing transportation connectors between underserved communities and public lands. Public lands are meant for all the public, regardless of income level, race, ethnicity, neighborhood or health. Expanded public transit would help ensure that public lands are in reach for everyone. Time spent in nature is tied to improvements in physical, mental and emotional health, which means ensuring more people can access public lands will lead to healthier communities.

More transit options would also reduce traffic congestion and parking problems, and would allow tourists to pay into our public transit systems to access popular trails.

5. **Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.**

- Not to our knowledge. This program would not revise NRS, but would add to NRS to establish a new commission, or “task force”.
- 6. Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.**

See Transit to Trails one pager.

ATTACHMENT E-7

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us.

Name:	
Contact Information:	
Date:	
Organization: (if applicable)	
Recommendation: Please provide a detailed description of the recommendation.	
<i>Nevada Revised Statutes (NRS) Revisions:</i> Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us.

Name:	Jeff Fontaine
Contact Information:	ccjfontaine@gmail.com (775) 443-7667
Date:	July 31, 2024
Organization: (if applicable)	Humboldt River Basin Water Authority
Recommendation: Please provide a detailed description of the recommendation.	The Humboldt River Basin Water Authority recommends that the Joint Interim Standing Committee on Natural Resources support continued funding for the Nevada State Cloud Seeding Program.
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	No
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	<p>The Humboldt Region is severely over appropriated and long-term over-pumping of groundwater basins is impacting base flow of the Humboldt River resulting in senior surface right holders receiving less than their decreed rights and in some cases no water at all. This is creating significant impacts on communities that rely on water from the Humboldt River and its tributaries as well as the environment. Climate change and droughts exacerbate these conditions.</p> <p>Cloud seeding is an important long-term water management strategy for the Humboldt River Basin. Cloud seeding increases surface water runoff from enhanced snowpack resulting in additional water for agriculture municipalities and wildlife. It also increases soil moisture and provides drought resiliency by enhancing river storage and replenishing ground water.</p>

Senate Bill No. 99–Senator Goicoechea

CHAPTER.....

AN ACT making an appropriation to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program; and providing other matters properly relating thereto.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program administered by the Desert Research Institute the following sums:

For the Fiscal Year 2023-2024 \$600,000
For the Fiscal Year 2024-2025 \$600,000

2. The Desert Research Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before September 1, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Desert Research Institute through June 30, 2024; and

(b) Prepare and transmit a report to the Interim Finance Committee on or before September 1, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Desert Research Institute through June 30, 2025.

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.



Sec. 3. This act becomes effective on July 1, 2023.

20 ~~~~~ 23



ATTACHMENT E-8

July 30, 2024

Senator Julie Pazina, Chair
Assemblywoman Natha Anderson, Vice Chair
Joint Interim Committee on Natural Resources
401 S. Carson Street
Carson City, NV 89701

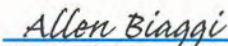
Dear Chair Pazina, Vice Chair Anderson and members of the committee,

During the 2023-2024 interim, various stakeholders met regularly to discuss possible legislation for the 2025 Legislative Session. These stakeholders represented agricultural, environmental, municipal, mining and rural interests as well as representatives from the Division of Water Resources.

These discussions resulted in an agreement to submit the attached group recommendation as the basis for a legislative bill to the Joint Interim Standing Committee on Natural Resources to address a variety of issues at the next Legislative Session, including water reuse, the creation of a voluntary water rights retirement program, and other clarifying provisions.

While this group considered water issues from a variety of viewpoints, there may be additional topics other organizations would like to address for the upcoming Legislative Session and the Committee should consider those proposals as well.

We hope that the Committee considers our request.



Allen Biaggi (Jul 22, 2024 13:49 PDT)

Allen Biaggi



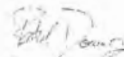
Andy Belanger (Jul 24, 2024 12:55 PDT)

Andy Belanger

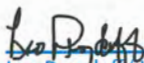


Doug Busselman (Jul 22, 2024 09:21 PDT)

Doug Busselman

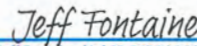


Patrick Donnelly



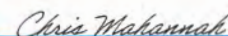
Leo Drozdoff (Jul 24, 2024 03:32 EDT)

Leo Drozdoff



Jeff Fontaine (Jul 23, 2024 16:04 PDT)

Jeff Fontaine



Chris Mahannah (Jul 23, 2024 15:26 PDT)

Chris Mahannah



Jake Tibbitts



Kyle Roerink (Jul 22, 2024 09:15 PDT)

Kyle Roerink












Support Letter JICNR Final

Final Audit Report

2024-07-24


Created:	2024-07-22
By:	Chaunsey Chau-Duong (chauduoc@lvvwd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAsWIBPuYW5x7TtX-etsa6AmJ6rsPYwQC2

"Support Letter JICNR Final" History

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-  Document emailed to Allen Biaggi (freelpeak@gmail.com) for signature
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-  Document emailed to leodrozdooff@att.net for signature
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-  Document emailed to pdonnelly@biologicaldiversity.org for signature
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 Document e-signed by Kyle Roerink (kyle4gbwn@gmail.com)


Signature Date: 2024-07-22 - 4:15:22 PM GMT - Time Source: server- IP address: 24.182.16.52

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 Signer doug@nvfb.org entered name at signing as Doug Busselman


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 Document e-signed by Doug Busselman (doug@nvfb.org)

Signature Date: 2024-07-22 - 4:21:40 PM GMT - Time Source: server- IP address: 174.215.117.241

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 Signer pdonnelly@biologicaldiversity.org entered name at signing as Patrick Donnelly

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 Document e-signed by Patrick Donnelly (pdonnelly@biologicaldiversity.org)

Signature Date: 2024-07-22 - 5:18:44 PM GMT - Time Source: server- IP address: 199.127.118.130

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 Document e-signed by Jake Tibbitts (jtibbitts@eurekacountynv.gov)


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 Document e-signed by Chris Mahannah (chris@mah2o.com)

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 Document e-signed by Jeff Fontaine (ccjfontaine@gmail.com)

Signature Date: 2024-07-23 - 11:04:16 PM GMT - Time Source: server- IP address: 104.187.204.10

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 Document e-signed by Leo Drozdoff (leodrozdoiff@att.net)

Signature Date: 2024-07-24 - 7:32:36 AM GMT - Time Source: server- IP address: 174.204.131.33

 Signer andy.belanger@lvvwd.com entered name at signing as Andy Belanger

2024-07-24 - 7:55:09 PM GMT- IP address: 205.159.86.10

 Document e-signed by Andy Belanger (andy.belanger@lvvwd.com)

Signature Date: 2024-07-24 - 7:55:11 PM GMT - Time Source: server- IP address: 205.159.86.10

 Agreement completed.

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Sec. 1. NRS 349.981 is hereby amended to read as follows:

1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned non transient water systems required or made necessary by the State Environmental Commission pursuant to [NRS 445A.800](#) to [445A.955](#), inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

- (1) Piping or lining of an irrigation canal;
 - (2) ~~Recovery~~ **Recovering** or recycling ~~of~~ wastewater or tailwater;
 - (3) Scheduling of irrigation;
 - (4) ~~Measurement~~ **Measuring** or metering ~~of~~ the use of water;
 - (5) Improving the efficiency of irrigation operations; and
 - (6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.
- (7) Removing grass and replacing it with water-efficient landscaping, if the removal is secured by a conservation easement.*

(8) Permanently retiring groundwater rights for the purposes set forth in section 18.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to [NRS 534.120](#) as an area where the groundwater basin is being depleted:

- (1) Any local or regional fee for connection to the municipal water system.
- (2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of [NRS 445A.300](#) to [445A.730](#), inclusive, or any regulations adopted pursuant thereto:

- (1) Any local or regional fee for connection to the community sewage disposal system.
- (2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection approves a program or project for the protection of groundwater quality developed by the State or a local government that provides for the abandonment of an individual sewage disposal system and the connection of the property upon which the individual sewage disposal system was located to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

- (1) Any local or regional fee for connection to the community sewage disposal system.
- (2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(f) An eligible recipient to pay the following costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system, if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

- (1) Any local or regional fee for connection to the municipal water system.
- (2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.
- (3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(g) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in [NRS 349.983](#), the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of [NRS 338.013](#) to [338.090](#), inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in [NRS 278.015](#).

(c) "Water resource plan" means a water resource plan created pursuant to [NRS 278.0228](#).

Sec. 2. NRS 349.983 is hereby amended to read as follows:

1. Grants may be made pursuant to paragraph (a) of subsection 1 of NRS 349.981 only for the Lincoln County Water District and those community and nontransient water systems that:

- (a) Were in existence on January 1, 1995; and
- (b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to ~~paragraph (a) of subsection 1 of~~ NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the total cost of the project for which the grant is awarded. The scale must be based upon the average household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 3. NRS 445A is hereby amended to read as follows:

1. The Legislature finds that pollution of water in this State:

- (a) Adversely affects public health and welfare;
- (b) Is harmful to wildlife, fish and other aquatic life; and
- (c) Impairs domestic, agricultural, industrial, recreational and other beneficial uses of water.

2. The Legislature declares that the people of this State have a right to clean water and it is the policy of this State and the purpose of NRS 445A.300 to 445A.730, inclusive:

(a) To maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State;

(b) To mitigate the degradation of the waters of the State; ~~and~~

(c) To encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources); ~~and~~

(d) To encourage and promote water reuse in an appropriate manner that is consistent with public health through traditional uses, such as return-flow credits, agriculture or other irrigation, as well as emerging uses including, but not limited to, direct potable reuse and indirect potable reuse.

Sec. 4. NRS 445A.520 is hereby amended as follows:

1. The Commission shall establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State.

2. The Commission shall base its water quality standards on water quality criteria which numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water. The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.

3. The Commission may establish water quality standards for individual segments of streams or for other bodies of surface water which vary from standards based on recognized criteria if such variations are justified by the circumstances pertaining to particular places, as determined by biological monitoring or other appropriate studies.

4. The Commission may consider establishment of a water quality standard variance, provided for by the Clean Water Act, 33 U.S.C. §1251 et seq., and associated Code of Federal Regulations. Any variance shall:

- (a) reflect the highest attainable condition achievable during the term of the variance; and**
- (b) set a time-limited designated use and criteria for specific pollutants or water quality parameters.**

Sec. 5. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for ~~a~~*an eligible* property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system.

2. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

3. If the district board of health imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

(c) "Eligible property owner" means a property owner with an existing septic system whose property is served by a municipal water system that:

(1) Pays the annual fee every year it is imposed; and

(2) Pays any outstanding balance of the annual fee for the property for previous years.

Sec. 6. NRS 533.030 is hereby amended to read as follows:

1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, **and section 12 of this act**, all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) “Intentionally created surplus” has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 7. NRS 533.370 is hereby amended to read as follows:

1. Except as otherwise provided in this section and [NRS 533.0241](#), [533.345](#), [533.371](#), [533.372](#) and [533.503](#), *and section 12 of this act*, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant’s:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, ~~where there~~ *the State Engineer shall reject an application and refuse to issue the requested permit if:*

(a) ~~There~~ *There* is no unappropriated water in the proposed source of supply; ~~where the~~

(b) ~~The~~ *The* groundwater that has not been committed for use has been reserved pursuant to [NRS 533.0241](#);

(c) ~~The groundwater has been retired pursuant to section 12 of this act~~; or ~~where its~~

(d) ~~The~~ *The* proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in [NRS 533.024](#), or threatens to prove detrimental to the public interest. ~~the State Engineer shall reject the application and refuse to issue the requested permit.~~

➡ If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

- (a) Whether the applicant has justified the need to import the water from another basin;
- (b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;
- (c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;
- (d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and
- (e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and [NRS 533.365](#), the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

- (a) Upon written authorization to do so by the applicant.
- (b) If an application is protested.
- (c) If the purpose for which the application was made is municipal use.
- (d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to [NRS 533.368](#).
- (e) Where court actions or adjudications are pending, which may affect the outcome of the application.
- (f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.
- (g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.
- (h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.
- (i) On an application for which the State Engineer has required additional information pursuant to [NRS 533.375](#).

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished and reposted pursuant to [NRS 533.360](#) immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, and reposting, a protest may be filed in accordance with [NRS 533.365](#).

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to [NRS 533.436](#) or [533.504](#).

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in [NRS 534.350](#).

Sec. 8. NRS 533.371 is hereby amended to read as follows:

The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to [NRS 533.0241](#);
6. *The groundwater has been retired pursuant to section 12 of this act;*
7. The proposed use conflicts with existing rights; or
- ~~7.~~ 8. The proposed use threatens to prove detrimental to the public interest.

Sec. 9. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. *As used in sections 10 to 15, inclusive, of this act, unless the context otherwise requires:*

- 1. "Department" means the State Department of Conservation and Natural Resources.*
- 2. "Director" means the Director of the Department.*
- 3. "Nevada Conservation and Recreation Program" or "Program" means the Nevada Conservation and Recreation Program created by section 17 of this act.*

Sec. 11. *1. The Account for Retiring Water Rights is hereby created in the State General Fund.*

2. The Account for Retiring Water Rights must be administered by the Director in accordance with the Nevada Voluntary Water Rights Retirement Program established by section 12 of this act. In addition to any direct legislative appropriation, the Director may apply for and accept any gift, donation, bequest, grant, federal money or other source of money for deposit in the Account for Retiring Water Rights.

3. The money in the Account for Retiring Water Rights must only be used for administering the Nevada Voluntary Water Rights Retirement Program established by section 12 of this act, to purchase water rights pursuant to section 12 of this act and to provide matching money required as a condition of accepting any source of money that would result in the retirement of water rights pursuant to sections 12 of this act.

4. The money in the Account for Retiring Water Rights or any portion of the money in the Account for Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Retiring Water Rights.

5. Any money remaining in the Account for Retiring Water Rights at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account for Retiring Water Rights must be carried forward to the next fiscal year.

6. The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Retiring Water Rights.

Sec. 12. *1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program for the purpose of retiring groundwater rights for the purposes set forth in section 18.*

2. The Program must be administered by the Director. In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 11 of this act, fund the retirement of groundwater rights from willing persons according to the following order of priority:

(a) Groundwater basins where groundwater withdrawals currently exceed the available supply of water; and

(b) Groundwater rights that are proposed to be retired for the purposes set forth in Section 18;

3. When sufficient money is available in the Account for Retiring Water Rights, the Director may accept applications for the purchase and retirement of water rights in accordance with any regulations adopted by the Director pursuant to section 15 of this act.

Sec. 13. 1. The Advisory Committee for the Nevada Voluntary Water Rights Retirement Program established by section 12 of this act is hereby established within the Department. The Advisory Committee consists of:

(a) The following voting members appointed by the Director:

(1) Two members who represent agricultural interests;
(2) Two members who represent political subdivisions of the State of Nevada that manage a regional water system in a county whose population is 100,000 or more;

(3) One member who represents a regional water authority that serves counties whose population are less than 100,000;

(4) One member who represents nonprofit conservation organizations; and

(5) One member who represents mining interests; and

(b) The following ex officio nonvoting members:

(1) The State Engineer or his or her designee; and

(2) The State Land Registrar or his or her designee.

2. The Advisory Committee shall consult with the Director on:

(a) The adoption of regulations required pursuant to section 15 of this act; and

(b) The administration of the Nevada Voluntary Water Rights Retirement Program established by section 12 of this act.

3. While engaged in the business of the Advisory Committee, each voting member of the Advisory Committee is not entitled to receive a salary, per diem allowance or travel expenses provided for state officers and employees generally.

Sec. 14. The State Engineer shall retire all groundwater rights pursuant to section 12 of this act through an appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. Groundwater that has been retired pursuant to this section is not available for any use and shall continue to be considered retired in the source of supply in perpetuity.

Sec. 15. 1. The Director may adopt such regulations if deemed necessary to carry out the provisions of sections 10 to 15 inclusive, of this act, which must include, without limitation:

(a) The process for accepting applications for the retirement of water rights pursuant to section 12 of this act;

(b) The manner in which the valuation of water rights will be conducted for the Nevada Voluntary Water Rights Retirement Program established by section 12 of this act;

(c) Provisions to ensure that the retirement of water rights is consistent with the purposes of the Nevada Voluntary Water Rights Retirement Program, including, without limitation, the purposes set forth in Section 18;

(d) Provisions to ensure compliance with any requirements or conditions of any gift, donation, bequest, grant, federal money or other source of money in administering the Account for Retiring Water Rights created by section 11 of this act;

(e) The method of retiring water rights by the Nevada Voluntary Water Rights Retirement Program pursuant to section 12 of this act, which must be consistent with the mechanisms by

which the water right will be retired by the State Engineer in accordance with section 12 of this act.

2. The Director shall consult with the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program established by section 13 of this act in adopting regulations pursuant to this section.

Sec. 16. NRS 534.120 is hereby amended to read as follows:

1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. The State Engineer may only issue **temporary revocable** permits to appropriate groundwater if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such **temporary revocable** permits can be limited as to time and may be revoked if and when:

(a) Water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof; and

(b) The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).

↪ The holder of a **temporary revocable** permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.

(b) Limit the depth of domestic wells.

(c) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(d) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

5. In an area ~~in which~~ *where revocable permits* have been issued ~~temporary permits~~ pursuant to subsection 3, the State Engineer:

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well; or

(3) Prohibit the drilling of wells for domestic use ~~in areas where~~ *if the property is within 1,250 feet of water can be furnished by a service line of* a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a domestic well, and may require the person proposing to deepen or repair the domestic well to obtain water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(1) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a ~~temporary revocable~~ permit ~~issued pursuant to this section~~ if any parcel served by a well pursuant to the ~~temporary revocable~~ permit is currently obtaining water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 17. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Voluntary Water Rights Retirement Program established by section 12 of this act.

3. The Director may adopt regulations, if deemed necessary, to carry out the provisions of this section.

Sec. 18. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The purpose of the Nevada Voluntary Water Rights Retirement Program is to retire water rights from willing sellers in order to:

(a) Protect the natural resources of the State;

(b) Bring overpumped groundwater basins back into balance;

- (c) Address conflicts with existing rights or with protectable interests in existing domestic wells; or*
- (d) Prevent overappropriated basins from becoming overpumped basins.*

Sec. 19. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive: *and section 17 of this act:*

1. "Department" means the State Department of Conservation and Natural Resources.
2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 20. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

- (a) The Division of Water Resources.
 - (b) The Division of State Lands.
 - (c) The Division of Forestry.
 - (d) The Division of State Parks.
 - (e) The Division of Environmental Protection.
 - (f) The Office of Historic Preservation.
 - (g) The Division of Outdoor Recreation.
 - (h) The Division of Natural Heritage.
 - (i) Such other divisions as the Director may from time to time establish.
2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council, *the Nevada Conservation and Recreation Program, the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program*, and the Board to Review Claims are within the Department.

Sec. 21. The Director of the State Department of Conservation and Natural Resources may adopt the regulations pursuant to section 15 of this act.

Sec. 22. 1. This section, sections 2 to 4, section 14 and section 16, inclusive, become effective upon passage and approval.

2. Section 1 and sections 5 to 13, section 15 and sections 17 to 21, inclusive, of this act:

- (a) Become effective upon passage and approval.
- (b) Expire without limitation on June 30, 2035.

ATTACHMENT E-9

SENATE BILL NO. 176—SENATOR GOICOECHEA

FEBRUARY 20, 2023

Referred to Committee on Natural Resources

SUMMARY—Establishes provisions relating to the conservation of groundwater. (BDR 48-79)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to water; creating the Account for Purchasing and Retiring Water Rights; establishing the Nevada Water Buy-Back Initiative and the Advisory Committee for the Nevada Water Buy-Back Initiative; requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights with money from the Account for purposes of retiring the water rights; creating the Nevada Conservation and Recreation Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that all underground waters within the boundaries of the State are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water. (NRS 534.020) **Section 5** of this bill creates the Account for Purchasing and Retiring Water Rights, to be administered by the Director of the State Department of Conservation and Natural Resources, and requires that the money in the Account only be expended for the purchase of water rights in groundwater basins that are over appropriated. **Section 6** of this bill establishes the Nevada Water Buy-Back Initiative in the Nevada Conservation and Recreation Program, to be administered by the Director, and establishes requirements for the purchase and retirement of water rights.

Section 6.4 of this bill requires the State Engineer to retire water rights purchased by the Nevada Water Buy-Back Initiative.

Section 6.2 of this bill establishes the Advisory Committee for the Nevada Water Buy-Back Initiative within the Department and requires the Advisory



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Committee to consult with the Director regarding the provisions of **sections 4.5-6.6** of this bill.

Section 6.6 requires the Director to adopt regulations necessary to carry out the provisions of **sections 4.5-6.6**. **Section 9.5** of this bill requires the Director to adopt such regulations by July 1, 2025. **Section 4.5** of this bill defines certain terms relating to the provisions of **sections 4.5-6.6**.

Sections 1-3 of this bill prohibit the appropriation of water that has been retired pursuant to the Nevada Water Buy-Back Initiative.

Existing law requires the Department to make grants to state agencies, local governments, water conservancy districts, conservation districts and certain nonprofit organizations to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State and requires the Director to adopt regulations to make such grants. (Section 2 of chapter 480, Statutes of Nevada 2019, at page 2861) Existing regulations create the Nevada Conservation and Recreation Program to make such grants. (LCB File No. R025-22) **Section 8.2** of this bill creates the Program in statute. **Section 8.2** further provides that the Program consists of a grant program to make such grants and the Nevada Water Buy-Back Initiative. **Section 8.6** of this bill provides that the Program and the Advisory Committee are within the Department. **Section 8.4** of this bill makes a conforming change to indicate the proper placement of **section 8.2** in the Nevada Revised Statutes.

Section 9 of this bill makes an appropriation to the Account for Purchasing and Retiring Water Rights for the costs incurred by the Director and the Nevada Conservation and Recreation Program in administering the Nevada Water Buy-Back Initiative and for the purchase of water rights.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.030 is hereby amended to read as follows:
533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, *and section 6 of this act*, all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:



(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, *and section 6 of this act*, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, ~~where there~~ *the State Engineer shall reject an application and refuse to issue the requested permit if:*

(a) *There* is no unappropriated water in the proposed source of supply ~~where the~~ ;

(b) *The* groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ;



1 (c) *The groundwater has been retired pursuant to section 6 of*
2 *this act;* or ~~where its~~

3 (d) The proposed use or change conflicts with existing rights or
4 with protectable interests in existing domestic wells as set forth in
5 NRS 533.024, or threatens to prove detrimental to the public interest
6 ~~. If the State Engineer shall reject the application and refuse to issue~~
7 ~~the requested permit.~~

8 ➡ If a previous application for a similar use of water within the
9 same basin has been rejected on those grounds, the new application
10 may be denied without publication.

11 3. In addition to the criteria set forth in subsections 1 and 2, in
12 determining whether an application for an interbasin transfer of
13 groundwater must be rejected pursuant to this section, the State
14 Engineer shall consider:

15 (a) Whether the applicant has justified the need to import the
16 water from another basin;

17 (b) If the State Engineer determines that a plan for conservation
18 of water is advisable for the basin into which the water is to be
19 imported, whether the applicant has demonstrated that such a plan
20 has been adopted and is being effectively carried out;

21 (c) Whether the proposed action is environmentally sound as it
22 relates to the basin from which the water is exported;

23 (d) Whether the proposed action is an appropriate long-term use
24 which will not unduly limit the future growth and development in
25 the basin from which the water is exported; and

26 (e) Any other factor the State Engineer determines to be
27 relevant.

28 4. Except as otherwise provided in this subsection and
29 subsections 6 and 10 and NRS 533.365, the State Engineer shall
30 approve or reject each application within 2 years after the final date
31 for filing a protest. The State Engineer may postpone action:

32 (a) Upon written authorization to do so by the applicant.

33 (b) If an application is protested.

34 (c) If the purpose for which the application was made is
35 municipal use.

36 (d) In areas where studies of water supplies have been
37 determined to be necessary by the State Engineer pursuant to
38 NRS 533.368.

39 (e) Where court actions or adjudications are pending, which may
40 affect the outcome of the application.

41 (f) In areas in which adjudication of vested water rights is
42 deemed necessary by the State Engineer.

43 (g) On an application for a permit to change a vested water right
44 in a basin where vested water rights have not been adjudicated.



(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is



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located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;

6. *The groundwater has been retired pursuant to section 6 of this act;*

7. The proposed use conflicts with existing rights; or

~~7.1~~ 8. The proposed use threatens to prove detrimental to the public interest.

Sec. 4. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.5 to 6.6, inclusive, of this act.

Sec. 4.5. *As used in sections 4.5 to 6.6, inclusive, of this act, unless the context otherwise requires:*

1. *"Department" means the State Department of Conservation and Natural Resources.*

2. *"Director" means the Director of the Department.*



3. "Nevada Conservation and Recreation Program" or "Program" means the Nevada Conservation and Recreation Program created by section 8.2 of this act.

Sec. 5. 1. The Account for Purchasing and Retiring Water Rights is hereby created in the State General Fund.

2. The Account for Purchasing and Retiring Water Rights must be administered by the Director in accordance with the Nevada Water Buy-Back Initiative established by section 6 of this act. In addition to any direct legislative appropriation, the Director may apply for and accept any gift, donation, bequest, grant, federal money or other source of money for deposit in the Account for Purchasing and Retiring Water Rights.

3. The money in the Account for Purchasing and Retiring Water Rights must only be used for administering the Nevada Water Buy-Back Initiative established by section 6 of this act, to purchase water rights pursuant to section 6 of this act and to provide matching money required as a condition of accepting any source of money that would result in the retirement of water rights pursuant to sections 6 and 6.4 of this act.

4. The money in the Account for Purchasing and Retiring Water Rights or any portion of the money in the Account for Purchasing and Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Purchasing and Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Purchasing and Retiring Water Rights.

5. Any money remaining in the Account for Purchasing and Retiring Water Rights at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account for Purchasing and Retiring Water Rights must be carried forward to the next fiscal year.

6. The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Purchasing and Retiring Water Rights.

7. The Director may request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 if the balance in the Account for Purchasing and Retiring Water Rights:

(a) Is less than \$250,000; or

(b) Is not sufficient to purchase water rights pursuant to section 6 of this act.



1 **Sec. 6. 1.** *The Nevada Water Buy-Back Initiative is hereby*
2 *established in the Nevada Conservation and Recreation Program*
3 *for the purpose of purchasing and retiring water rights in*
4 *groundwater basins where there is an insufficient supply of water*
5 *available to serve all vested rights, claims of vested rights, permits,*
6 *certificates, protectable interests in domestic wells in the basin and*
7 *to address and avoid conflicts with existing rights or detriments to*
8 *the public interest, including, without limitation, detriments to the*
9 *natural resources of this State.*

10 **2.** *The Initiative must be administered by the Director. In*
11 *administering the Initiative, the Director shall, to the extent money*
12 *is available in the Account for Purchasing and Retiring Water*
13 *Rights created by section 5 of this act, purchase and retire water*
14 *rights from persons willing to sell according to the following order*
15 *of priority:*

16 **(a)** *Groundwater basins where groundwater withdrawals*
17 *currently exceed the available supply of water as a result of the*
18 *consistent use of certificated or permitted rights to appropriate*
19 *water and to address conflicts with existing rights or detriments to*
20 *the natural resources of this State.*

21 **(b)** *Any other groundwater basins where:*

22 **(1)** *Certificated or permitted rights to appropriate water*
23 *would, if withdrawn, exceed the available supply of water; and*

24 **(2)** *The State Engineer determines retirement of water*
25 *rights is necessary to address or avoid conflicts with existing rights*
26 *or detriments to the public interest, including, without limitation,*
27 *detriments to the natural resources of this State.*

28 **3.** *When sufficient money is available in the Account for*
29 *Purchasing and Retiring Water Rights, the Director may accept*
30 *applications for the purchase and retirement of water rights in*
31 *accordance with any regulations adopted by the Director pursuant*
32 *to section 6.6 of this act.*

33 **Sec. 6.2. 1.** *The Advisory Committee for the Nevada Water*
34 *Buy-Back Initiative established by section 6 of this act is hereby*
35 *established within the Department. The Advisory Committee*
36 *consists of:*

37 **(a)** *The following voting members appointed by the Director:*

38 **(1)** *One member who represents a nonprofit conservation*
39 *organization;*

40 **(2)** *One member who represents a political subdivision of*
41 *the State of Nevada that manages a regional water system in a*
42 *county whose population is 100,000 or more;*

43 **(3)** *One member who represents a water authority in a*
44 *county whose population is less than 100,000;*

45 **(4)** *One member who represents agricultural interests; and*



(5) One member who represents natural resources interests; and

(b) The following ex officio nonvoting members:

(1) The State Engineer or his or her designee; and

(2) The State Land Registrar or his or her designee.

2. The Advisory Committee shall consult with the Director on:

(a) The adoption of regulations required pursuant to section 6.6 of this act; and

(b) The administration of the Nevada Water Buy-Back Initiative established by section 6 of this act.

3. While engaged in the business of the Advisory Committee, each voting member of the Advisory Committee is entitled to receive a salary of not more than \$80 per day, as established by the Department, and the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6.4. The State Engineer shall retire all water rights purchased pursuant to section 6 of this act through revocation or relinquishment of the water right or by using any other appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. Groundwater that has been retired pursuant to this section is not available for any use.

Sec. 6.6. 1. The Director shall adopt such regulations as are necessary to carry out the provisions of sections 4.5 to 6.6, inclusive, of this act, which must include, without limitation:

(a) The process for accepting applications for the purchase and retirement of water rights pursuant to section 6 of this act;

(b) The manner in which the valuation of water rights will be conducted for the Nevada Water Buy-Back Initiative established by section 6 of this act;

(c) Provisions to ensure that the retirement of water rights is consistent with the purposes of the Nevada Water Buy-Back Initiative, including, without limitation, addressing or avoiding conflicts with existing rights or detriments to the public interest or the natural resources of this State;

(d) Provisions to ensure compliance with any requirements or conditions of any gift, donation, bequest, grant, federal money or other source of money in administering the Account for Purchasing and Retiring Water Rights created by section 5 of this act;

(e) The methods of purchasing water rights by the Nevada Water Buy-Back Initiative pursuant to section 6 of this act which must be consistent with the mechanisms by which the water right



will be retired by the State Engineer in accordance with section 6.4 of this act; and

(f) The process for a groundwater board or board of county commissioners to consult and support the purchase of water rights in a basin.

2. The Director shall consult with the Advisory Committee for the Nevada Water Buy-Back Initiative established by section 6.2 of this act in adopting regulations pursuant to this section.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.2. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Water Buy-Back Initiative established by section 6 of this act.

3. The Director may adopt regulations to carry out the provisions of this section.

Sec. 8.4. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~§~~ , *and section 8.2 of this act:*

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 8.6. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) The Division of Outdoor Recreation.

(h) The Division of Natural Heritage.

(i) Such other divisions as the Director may from time to time establish.



2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council , *the Nevada Conservation and Recreation Program, the Advisory Committee for the Nevada Water Buy-Back Initiative* and the Board to Review Claims are within the Department.

Sec. 9. There is hereby appropriated from the State General Fund to the Account for Purchasing and Retiring Water Rights created by section 5 of this act the sum of \$5,000,000 for the reasonable costs incurred by the Director of the State Department of Conservation and Natural Resources and the Nevada Conservation and Recreation Program created by section 8.2 of this act in administering the Nevada Water Buy-Back Initiative established pursuant to section 6 of this act and for the purchase of water rights pursuant to section 6 of this act.

Sec. 9.5. The Director of the State Department of Conservation and Natural Resources shall, on or before July 1, 2025, adopt the regulations which are required by section 6.6 of this act.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.



ATTACHMENT F-10

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES
SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M. Form found at: [MEMORANDUM \(state.nv.us\)](https://www.state.nv.us/memorandum) Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us).

Name:

James Settelmeyer, Director, Nevada Department of Conservation and Natural Resources

JJ Goicoechea, Director, Nevada Department of Agriculture

Alan Jenne, Director, Nevada Department of Wildlife

Contact Information:

Director Settelmeyer, 775-684-2726, jsettelmeyer@dcnr.nv.gov

Director Goicoechea, 775-353-3619, jgoicoechea@agri.nv.gov

Director Jenne, 775-688-1590, ajenne@ndow.org

Date: July 31, 2026

Organization: (if applicable)

Nevada Department of Conservation and Natural Resources, Nevada Department of Agriculture, and Nevada Department of Wildlife

Recommendation: Please provide a detailed description of the recommendation.

1. Resolution of Support: It is recommended that the Joint Interim Committee on Natural Resources (Committee) draft a resolution expressing support of the Nevada Shared Stewardship Agreement with encouragement and empowerment for state agencies and other cooperators to continue building on their successes to reach new heights in managing wildfire risk and restoring ecosystem resilience on behalf of all Nevadans. This resolution should include support for any state appropriated funds to be managed by the Nevada Shared Stewardship Coordinator on behalf of cooperating agencies and entities to promote and implement collaborative conservation projects in the priority landscapes.
2. Final Report Recommendation: It is recommended that the Committee draft a position statement in its final report in support of the unprecedented inter-agency collaboration through the Nevada Shared Stewardship Agreement and state appropriated funds to continue pro-actively addressing Nevada's highest priority needs.
3. Letter of Support: It is recommended that the Committee draft a letter to Governor Lombardo encouraging a state general fund appropriation to support the continued work of the Nevada Shared Stewardship Agreement.

Justification: These actions are in recognition and support of the unprecedented interagency collaboration the 2019 Nevada Shared Stewardship Agreement has fostered to prioritize high-value treatments, optimize resources sharing, and significantly expand efforts to protect shared values by effectively mitigating wildfire threats and restoring landscape resilience. This collaborative approach has

resulted in these partners exceeding the goal of a 50% increase in treatments -- resulting in 197,142 acres treated with the help of more than 40 federal, state, local, non-profit, tribal and other partners.

Seven out of thirteen Shared Stewardship priority landscapes have active established planning groups and have developed 5-year programs of work. These programs of work identify priority projects totaling \$49,675,593, to date, aimed at protecting vital natural resources from threats such as wildfire. To address these needs and make progress in the remaining six priority landscapes, additional state resources will be required to identify, plan and implement priorities. Federal Shared Stewardship partners have made significant investments to implement wildfire mitigation and ecosystem resilience projects across the state, many of which are Shared Stewardship priorities. While much of this work is on federal lands, a substantial percentage of these funds have been allocated through agreements with state agencies and applied to State, private, and tribal lands. However, these federal funds, alone are insufficient to meet the identified needs and in many instances are lacking the necessary nonfederal match. Resources are also needed to extend treatments onto state, private and tribal lands and to enhance effectiveness. These funds would support collaborative planning and implementation of locally led wildfire mitigation and landscape restoration and resilience projects across priority landscapes.

Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.

No change of NRS recommended

Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few

The Nevada Shared Stewardship Agreement was initially signed in 2019 by a group of Federal and State agencies that needed to work differently together to ensure the highest priority locations and natural resources in Nevada were protected from wildfires, invasive weeds, and other threats. Agencies that signed onto the agreement included the Nevada Departments of Wildlife, Conservation and Natural Resources and Agriculture as well as the USDA Forest Service, Bureau of Land Management, and U.S. Fish and Wildlife Service. The USDA Natural Resources Conservation Service has been participating since 2020 and is planning to sign onto the agreement at the 5-year renewal in the fall 2024. These agencies agreed to collectively identify landscapes that were most threatened and had high values to protect, establish a strategic plan to guide work, select joint priority projects and list them in 5-year programs of work, and coordinate regularly to share resources to protect and improve natural resources. These efforts resulted in implementing a common vision shared by cooperators. More information on the Agreement, results and other supporting information can be found at: forestry.nv.gov/natural-resource-management/shared-stewardship

ATTACHMENT F-11



NEVADA DIVISION OF FORESTRY

STATE OF NEVADA
Department of Conservation & Natural Resources
Joe Lombardo, *Governor*
James A. Settlemeyer, *Director*
Kacey KC, *State Forester/Firewarden*

BILL DRAFT RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

Name: Kacey KC, State Forester Firewarden

Contact Information: kaceykc@forestry.nv.gov; c.erskine@dcnr.nv.gov

Date: 7/2/2024

Organization: Nevada Division of Forestry

Recommendation:

Please provide a detailed description of the recommendation.

The Nevada Division of Forestry recommends a BDR that authorizes the Governor to join the interstate forest fire protection compacts of the Great Plains and the Northwestern States. This BDR language would incorporate the language of both compacts, allowing Nevada to mobilize wildland firefighting and mitigation resources state-to-state rather than relying primarily on federal agreement assets only. Joining these compacts would significantly expand the pool of available resources, including equipment, personnel and overhead, allowing for quicker response times to suppress fires in Nevada. State-to-state assets can be mobilized faster than the national ordering system and include additional assets beyond those available through the national ordering system. This enhances the protections for Nevada communities, ecosystems, and livelihoods.

The Great Plains Interstate Fire Compact currently includes the states of New Mexico, Colorado, Kansas, Nebraska, North and South Dakotas, Wyoming, and the Province of Saskatchewan. The Northwest Wildland Fire Protection Agreement currently includes the states of Washington, Oregon, Idaho, Montana, and Hawaii, as well as Yukon, British Columbia, Alberta, Northwest Territory, Saskatchewan, and Vancouver Island.

Currently, there are 7 wildland fire compacts in the United States (Great Lakes, Big Rivers, Great Plains, South Central, Southeast, Mid-Atlantic, and Northwest) that facilitate the sharing of wildfire response assets among member states and, in some cases, with other compacts and Canada. This compact authority was authorized by Congress over 70 years ago, superseding similar authorizations provided in the Civil Defense Act of 1955.

Nevada is one of 3 western states (along with California and Utah) that are not currently part of a modern compact. California and Utah are also working through their legislative processes to

join these compacts. To join, a law must be passed, and the state must be adjacent to a member state. Joining a compact allows for surge resources and eliminates the need for over 50 individual state-to-state agreements.

Nevada Revised Statutes NRS Revisions:

Does the recommendation revise one or more current NRS? If “Yes,” please provide the reference to the NRS citation(s) affected by the recommendation.

Unknown

Background Information:

Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.

Attached:

- Great Plains Wildland Fire Protection
- Northwest Wildland Fire Protection Agreement

REFERENCE TITLE: interstate compact; fire management; aid

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2751

Introduced by
Representatives Cook: Marshall, Payne, Sandoval

AN ACT

AMENDING TITLE 37, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1; RELATING TO THE STATE FORESTER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 37, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 3.1, to read:

4 ARTICLE 3.1. GREAT PLAINS WILDLAND FIRE PROTECTION

5 37-1371. Enactment of compact; authority to join

6 THE GOVERNOR MAY ENTER INTO A COMPACT ON BEHALF OF THIS STATE WITH
7 ANY OTHER STATE OR STATES LEGALLY JOINING THEREIN IN THE FORM
8 SUBSTANTIALLY AS FOLLOWS:

9 ARTICLE I

10 THE PURPOSE OF THIS COMPACT IS TO PROMOTE EFFECTIVE PREVENTION AND
11 CONTROL OF FOREST FIRES IN THE GREAT PLAINS REGION OF THE UNITED STATES BY
12 MAINTAINING ADEQUATE FOREST FIREFIGHTING SERVICES BY THE MEMBER STATES AND
13 BY PROVIDING FOR RECIPROCAL AID IN FIGHTING FOREST FIRES AMONG THE
14 COMPACTING STATES OF THE REGION, INCLUDING SOUTH DAKOTA, NORTH DAKOTA,
15 WYOMING, COLORADO AND ANY ADJOINING STATE OF A CURRENT MEMBER STATE.

16 ARTICLE II

17 THIS COMPACT IS OPERATIVE IMMEDIATELY AS TO THOSE STATES RATIFYING
18 IT IF ANY TWO OR MORE OF THE MEMBER STATES HAVE RATIFIED IT.

19 ARTICLE III

20 IN EACH STATE, THE STATE FORESTER OR OFFICER HOLDING THE EQUIVALENT
21 POSITION WHO IS RESPONSIBLE FOR FOREST FIRE CONTROL MAY ACT AS COMPACT
22 ADMINISTRATOR FOR THAT STATE, CONSULT WITH LIKE OFFICIALS OF THE OTHER
23 MEMBER STATES AND IMPLEMENT COOPERATION BETWEEN THE STATES IN FOREST FIRE
24 PREVENTION AND CONTROL. THE COMPACT ADMINISTRATORS OF THE MEMBER STATES
25 MAY ORGANIZE TO COORDINATE THE SERVICES OF THE MEMBER STATES AND PROVIDE
26 ADMINISTRATIVE INTEGRATION IN CARRYING OUT THE PURPOSES OF THIS COMPACT.
27 EACH MEMBER STATE MAY FORMULATE AND PUT INTO EFFECT A FOREST FIRE PLAN FOR
28 THAT STATE.

29 ARTICLE IV

30 IF THE STATE FOREST FIRE CONTROL AGENCY OF A MEMBER STATE REQUESTS
31 AID FROM THE STATE FOREST FIRE CONTROL AGENCY OF ANY OTHER MEMBER STATE IN
32 COMBATING, CONTROLLING OR PREVENTING FOREST FIRES, THE STATE FOREST FIRE
33 CONTROL AGENCY OF THAT STATE MAY RENDER ALL POSSIBLE AID TO THE REQUESTING
34 AGENCY, CONSONANT WITH MAINTAINING PROTECTION AT HOME.

35 ARTICLE V

36 IF THE FORCES OF ANY MEMBER STATE ARE RENDERING OUTSIDE AID PURSUANT
37 TO THE REQUEST OF ANOTHER MEMBER STATE UNDER THIS COMPACT, THE EMPLOYEES
38 OF THE STATE SHALL, UNDER THE DIRECTION OF THE OFFICERS OF THE STATE TO
39 WHICH THEY ARE RENDERING AID, HAVE THE SAME POWERS (EXCEPT THE POWER OF
40 ARREST), DUTIES, RIGHTS, PRIVILEGES AND IMMUNITIES AS COMPARABLE EMPLOYEES
41 OF THE STATE TO WHICH THEY ARE RENDERING AID.

42 A MEMBER STATE AND ITS OFFICERS AND EMPLOYEES RENDERING OUTSIDE AID
43 PURSUANT TO THIS COMPACT ARE NOT LIABLE ON ACCOUNT OF ANY ACT OR OMISSION
44 ON THE PART OF SUCH FORCES WHILE SO ENGAGED OR ON ACCOUNT OF MAINTAINING

1 OR USING ANY EQUIPMENT OR SUPPLIES IN CONNECTION WITH RENDERING THE
2 OUTSIDE AID.

3 ALL LIABILITY, EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, THAT
4 MAY ARISE EITHER UNDER THE LAWS OF THE REQUESTING STATE, UNDER THE LAWS OF
5 THE AIDING STATE OR UNDER THE LAWS OF A THIRD STATE ON ACCOUNT OF OR IN
6 CONNECTION WITH A REQUEST FOR AID SHALL BE ASSUMED AND BORNE BY THE
7 REQUESTING STATE.

8 ANY MEMBER STATE RENDERING OUTSIDE AID PURSUANT TO THIS COMPACT
9 SHALL BE REIMBURSED BY THE MEMBER STATE RECEIVING THE AID FOR ANY LOSS OR
10 DAMAGE TO, OR EXPENSE INCURRED IN THE OPERATION OF, ANY EQUIPMENT USED IN
11 ANSWERING A REQUEST FOR AID, AND FOR THE COST OF ALL MATERIALS,
12 TRANSPORTATION, WAGES, SALARIES AND MAINTENANCE OF EMPLOYEES AND EQUIPMENT
13 INCURRED IN CONNECTION WITH THE REQUEST. THIS COMPACT DOES NOT PREVENT
14 ANY ASSISTING MEMBER STATE FROM ASSUMING THE LOSS, DAMAGE, EXPENSE OR
15 OTHER COST FROM LOANING THE EQUIPMENT OR FROM DONATING THE SERVICES TO THE
16 RECEIVING MEMBER STATE WITHOUT CHARGE OR COST.

17 EACH MEMBER STATE SHALL ENSURE THAT WORKERS' COMPENSATION BENEFITS
18 IN CONFORMITY WITH THE MINIMUM LEGAL REQUIREMENTS OF THE STATE ARE
19 AVAILABLE TO ALL EMPLOYEES AND CONTRACT FIREFIGHTERS SENT TO A REQUESTING
20 STATE PURSUANT TO THIS COMPACT.

21 FOR THE PURPOSES OF THIS COMPACT, "EMPLOYEE" INCLUDES ANY VOLUNTEER
22 OR AUXILIARY LEGALLY INCLUDED WITHIN THE FOREST FIREFIGHTING FORCES OF THE
23 AIDING STATE UNDER THE LAWS OF THE AIDING STATE.

24 THE COMPACT ADMINISTRATORS MAY FORMULATE PROCEDURES FOR CLAIMS AND
25 REIMBURSEMENT UNDER THIS ARTICLE IN ACCORDANCE WITH THE LAWS OF THE MEMBER
26 STATES.

27 ARTICLE VI

28 RATIFICATION OF THIS COMPACT DOES NOT AFFECT ANY EXISTING STATUTE SO
29 AS TO AUTHORIZE OR PERMIT CURTAILMENT OR DIMINUTION OF THE FOREST
30 FIREFIGHTING FORCES, EQUIPMENT, SERVICES OR FACILITIES OF ANY MEMBER
31 STATE.

32 THIS COMPACT DOES NOT AUTHORIZE OR PERMIT ANY MEMBER STATE TO
33 CURTAIL OR DIMINISH ITS FOREST FIREFIGHTING FORCES, EQUIPMENT, SERVICES OR
34 FACILITIES. EACH MEMBER STATE SHALL MAINTAIN ADEQUATE FOREST FIREFIGHTING
35 FORCES AND EQUIPMENT TO MEET DEMANDS FOR FOREST FIRE PROTECTION WITHIN ITS
36 BORDERS IN THE SAME MANNER AND TO THE SAME EXTENT AS IF THIS COMPACT WERE
37 NOT OPERATIVE.

38 THIS COMPACT DOES NOT LIMIT OR RESTRICT THE POWERS OF ANY STATE
39 RATIFYING THE COMPACT TO PROVIDE FOR THE PREVENTION, CONTROL AND
40 EXTINGUISHMENT OF FOREST FIRES OR TO PROHIBIT THE ENACTMENT OR ENFORCEMENT
41 OF STATE LAWS, RULES OR REGULATIONS INTENDED TO AID IN THE PREVENTION,
42 CONTROL AND EXTINGUISHMENT IN THE STATE.

43 THIS COMPACT DOES NOT AFFECT ANY EXISTING OR FUTURE COOPERATIVE
44 RELATIONSHIP OR ARRANGEMENT BETWEEN THE UNITED STATES FOREST SERVICE AND A
45 MEMBER STATE OR STATES.

1 ARTICLE VII
2 REPRESENTATIVES OF THE UNITED STATES FOREST SERVICE MAY ATTEND
3 MEETINGS OF THE COMPACT ADMINISTRATORS.

4 ARTICLE VIII
5 THE PROVISIONS OF ARTICLES IV AND V OF THIS COMPACT THAT RELATE TO
6 RECIPROCAL AID IN COMBATING, CONTROLLING OR PREVENTING FOREST FIRES ARE
7 OPERATIVE AS BETWEEN ANY STATE PARTY TO THIS COMPACT AND ANY OTHER STATE
8 THAT IS PARTY TO THIS COMPACT AND ANY OTHER STATE THAT IS PARTY TO A
9 REGIONAL FOREST FIRE PROTECTION COMPACT IN ANOTHER REGION IF THE
10 LEGISLATURE OF THE OTHER STATE HAS GIVEN ITS ASSENT TO THE MUTUAL AID
11 PROVISIONS OF THIS COMPACT.

12 ARTICLE IX
13 THIS COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING ON EACH
14 STATE RATIFYING IT UNTIL THE LEGISLATURE OR THE GOVERNOR OF THE STATE
15 TAKES ACTION TO WITHDRAW FROM THE COMPACT. SUCH ACTION IS NOT EFFECTIVE
16 UNTIL SIX MONTHS AFTER NOTICE OF THE WITHDRAWAL HAS BEEN SENT BY THE CHIEF
17 EXECUTIVE OF THE STATE DESIRING TO WITHDRAW TO THE CHIEF EXECUTIVES OF ALL
18 STATES THEN PARTIES TO THE COMPACT.

Public Law 105–377
105th Congress

An Act

Granting the consent and approval of Congress to an interstate forest fire protection compact.

Nov. 12, 1998
[S. 1134]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

**“THE NORTHWEST WILDLAND FIRE
PROTECTION AGREEMENT**

“THIS AGREEMENT is entered into by and between the State, Provincial, and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as “Members”.

“FOR AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

“Article I

“1.1 The purpose of this Agreement is to promote effective prevention, suppression and control of forest fires in the Northwest wildland region of the United States and adjacent areas of Canada (by the Members) by providing mutual aid in prevention, suppression and control of wildland fires, and by establishing procedures in operating plans that will facilitate such aid.

“Article II

“2.1 The agreement shall become effective for those Members ratifying it whenever any two or more Members, the States of Oregon, Washington, Alaska, Idaho, Montana, or the Yukon Territory, or the Province of British Columbia, or the Province of Alberta have ratified it.

“2.2 Any State, Province, or Territory not mentioned in this Article which is contiguous to any Member may become a party to this Agreement subject to unanimous approval of the Members.

State listing.
Canada.

“Article III

“3.1 The role of the Members is to determine from time to time such methods, practices, circumstances and conditions as may be found for enhancing the prevention, presuppression, and control of forest fires in the area comprising the Member’s territory; to coordinate the plans and the work of the appropriate agencies of the Members; and to coordinate the rendering of aid by the Members to each other in fighting wildland fires.

“3.2 The Members may develop cooperative operating plans for the programs covered by this Agreement. Operating plans shall include definition of terms, fiscal procedures, personnel contacts, resources available, and standards applicable to the program. Other sections may be added as necessary.

“Article IV

“4.1 A majority of Members shall constitute a quorum for the transaction of its general business. Motions of Members present shall be carried by a simple majority except as stated in Article II. Each Member will have one vote on motions brought before them.

“Article V

“5.1 Whenever a Member requests aid from any other Member in controlling or preventing wildland fires, the Members agree, to the extent they possibly can, to render all possible aid.

“Article VI

“6.1 Whenever the forces of any Member are aiding another Member under this Agreement, the employees of such Member shall operate under the direction of the officers of the Member to which they are rendering aid and be considered agents of the Member they are rendering aid to and, therefore, have the same privileges and immunities as comparable employees of the Member to which they are rendering aid.

“6.2 No Member or its officers or employees rendering aid within another State, Territory, or Province, pursuant to this Agreement shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith to the extent authorized by the laws of the Member receiving the assistance. The receiving Member, to the extent authorized by the laws of the State, Territory, or Province, agrees to indemnify and save-harmless the assisting Member from any such liability.

“6.3 Any Member rendering outside aid pursuant to this Agreement shall be reimbursed by the Member receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and for the cost of all materials, transportation, wages, salaries and maintenance of personnel and equipment incurred in connection with such request in accordance with the provisions of the previous section. Nothing contained herein shall prevent any assisting Member from assuming such loss, damage,

expense or other cost or from loaning such equipment or from donating such services to the receiving Member without charge or cost.

“6.4 For purposes of the Agreement, personnel shall be considered employees of each sending Member for the payment of compensation to injured employees and death benefits to the representatives of deceased employees injured or killed while rendering aid to another Member pursuant to this Agreement.

“6.5 The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

“Article VII

“7.1 When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equally among the Members.

“7.2 As necessary, Members shall keep accurate books of account, showing in full, its receipts and disbursements, and the books of account shall be open at any reasonable time to the inspection of representatives of the Members.

“7.3 The Members may accept any and all donations, gifts, and grants of money, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this Agreement, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

“Article VIII

“8.1 Nothing in this Agreement shall be construed to limit or restrict the powers of any Member to provide for the prevention, control, and extinguishment of wildland fires or to prohibit the enactment of enforcement of State, Territorial, or Provincial laws, rules or regulations intended to aid in such prevention, control and extinguishment of wildland fires in such State, Territory, or Province.

“8.2 Nothing in this Agreement shall be construed to affect any existing or future Cooperative Agreement between Members and/or their respective Federal agencies.

“Article IX

“9.1 The Members may request the United States Forest Service to act as the coordinating agency of the Northwest Wildland Fire Protection Agreement in cooperation with the appropriate agencies for each Member.

“9.2 The Members will hold an annual meeting to review the terms of this Agreement, any applicable Operating Plans, and make necessary modifications.

“9.3 Amendments to this Agreement can be made by simple majority vote of the Members and will take effect immediately upon passage.

“Article X

“10.1 This Agreement shall continue in force on each Member until such Member takes action to withdraw therefrom. Such action shall not be effective until 60 days after notice thereof has been sent to all other Members.

“Article XI

“11.1 Nothing in this Agreement shall obligate the funds of any Member beyond those approved by appropriate legislative action.”.

SEC. 2. OTHER STATES.

Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

SEC. 3. RIGHTS RESERVED.

The right to alter, amend, or repeal this Act is expressly reserved.

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 1134:

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 30, considered and passed Senate.

Oct. 15, considered and passed House.



ATTACHMENT G-12

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us.

Name:	Nicholas Callero
Contact Information:	Nicholas Callero ncallero@pewtrusts.org 503-977-5467
Date:	7-22-2024
Organization: (if applicable)	The Pew Charitable Trusts
Recommendation: Please provide a detailed description of the recommendation.	<p>A recurring appropriation of \$5 million biannually from the Nevada State General Fund into the Wildlife Crossing Account to support the construction of new wildlife crossings in Nevada, including studies, design, construction, and staffing needs.</p> <p>Building on Assembly Bill No.112 (2023), new legislation is needed to cement a reliable, dedicated funding stream into Nevada's Wildlife Crossing Account housed in the State General Fund. Doing so will ensure, over the long-term, safer roads and healthier wildlife populations while maximizing the opportunity to attract federal funds to our state. While the initial seed money from Assembly Bill No.112 was a great start, it only provided a one-time appropriation. Nevada has a decade's worth of priority projects identified to reduce collisions and facilitate wildlife migration. Consistent funding would provide the certainty and capacity to the Nevada Department of Transportation (NDOT) and Nevada Department of Wildlife (NDOW) in planning and constructing new wildlife crossing projects.</p>
Nevada Revised Statutes (NRS) Revisions: Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	No
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	<p>2 Documents attached and one linked below:</p> <p>1) 2024 NV Joint Interim NR BDR - Funding For Crossings Factsheet attached 2) Pew Analysis- "Nevada Should Boost Funding for Wildlife Crossings" attached 3) ECONorthwest Report- Evaluation of Revenue and Funding Mechanisms for Wildlife Crossing Infrastructure link:</p> <p>https://www.pewtrusts.org/-/media/assets/2023/04/econw_wildlifecrossings_final_apr26-highres.pdf</p>

Wildlife Friendly Transportation Funding in Nevada

Recommendation: A recurring appropriation of \$5 million biannually from the Nevada State General Fund into the Wildlife Crossing Account to support the construction of new wildlife crossings in Nevada, including studies, design, construction, and staffing needs.

Building on [Assembly Bill No.112 \(2023\)](#), new legislation is needed to cement a reliable, dedicated funding stream into Nevada’s Wildlife Crossing Account housed in the State General Fund. Doing so will ensure, over the long-term, safer roads and healthier wildlife populations while maximizing the opportunity to attract federal funds to our state. While the initial seed money from Assembly Bill No.112 was a great start, it only provided a one-time appropriation. Nevada has a decade’s worth of priority projects identified to reduce collisions and facilitate wildlife migration. Consistent funding would provide the certainty and capacity to the Nevada Department of Transportation (NDOT) and Nevada Department of Wildlife (NDOW) in planning and constructing new wildlife crossing projects.

Background Info: According to NDOT, [wildlife-vehicle collisions result in more than 500 reported crashes and kill over 5,000 animals](#) per year, causing significant human injury costing Nevadans close to \$20 million annually in crash costs. NDOT estimates that less than 10% of wildlife collisions are reported in Nevada so actual numbers may be as high as 5,000 wildlife-vehicle collisions annually. These collisions carry a significant cost to drivers as a [recent study by NDOT](#) finds that the total average national cost of a single deer collision is \$19,089, an elk collision is \$73,196, and a moose collision is \$110,397 in vehicle repairs, medical costs, and carcass removal. In priority areas where high rates of collisions occur, studies have found that it costs more to do nothing than it does to install a wildlife crossing, therefore reducing the frequency of collisions and saving taxpayer dollars.

Nationwide, wildlife-vehicle collisions [cost Americans more than \\$8 billion](#) per year. Recent statistics released by State Farm show there were almost [2 million animal collision insurance claims](#) in the U.S. between July 1, 2022, and June 30, 2023. Annually, collisions between motorists and wildlife cause [over 200 human fatalities and more than 26,000 injuries](#). Millions of animals die as well, sometimes leading to degraded wildlife populations.

Because wildlife often cross roads and highways at specific spots year after year, targeted investments in wildlife-friendly transportation infrastructure can go a long way to making roadways safer for both humans and wildlife. Specially designed wildlife over- and underpasses are shown to reduce collisions by as much as 90%, while facilitating natural wildlife migrations and movements.

Linear infrastructure like roads fragment migration routes limiting access to important habitat, and [studies have shown](#) that habitat fragmentation can reduce biodiversity by up to 75%. Wildlife crossings connect habitat facilitating critical ecological processes like pollination, nutrient cycling, and gene flow. If wildlife cannot move throughout its landscape to find food and water resources, climate refugia, and genetically diverse mates, these species have a much higher risk of becoming unhealthy and dying off. Nevada’s mule deer population has been declining for decades, and in 2023, it was estimated to be around 68,000, the lowest in almost 50 years.

Nevada has a long history of leadership in addressing this issue and has 79 animal crossings in place for both large and small animals, including 6 overpasses (3 on I-80, 2 on US 93 and one on I-11). Completed in 2010, the Highway 93 overpass near Elko, the state’s first built specifically for wildlife passage, found

that [more than 35,000 mule deer used the structure](#) in its first four years alone. Based on the overall societal costs of wildlife vehicle collisions, properly sited wildlife crossings and associated fencing will pay for themselves well before they are obsolete. Additionally, there is another important but underappreciated benefit to wildlife crossings: the potential to support wildlife and ecosystems in adapting to climate change. With the development of the Nevada Wildlife Connectivity Plan under [Executive Order 2021-18](#) and the current collaboration between NDOT and NDOW on prioritizing wildlife crossing locations throughout the state from Assembly Bill No. 112, Nevada has an unprecedented opportunity to simultaneously address both road safety concerns and the long-term effectiveness of crossings in supporting connectivity in the face of climate change. Identifying crossing locations that serve these goals requires understanding where animal movements are likely to occur under both current and future conditions. This will require additional resources to collaboratively develop planning tools that incorporate predicted changes in multispecies connectivity.

Despite this record of success, new science, and known benefits, consistent funding remains the primary constraint for new wildlife friendly transportation infrastructure. State governments struggle to obtain adequate funding sources for matching federal grant opportunities as well as managing and maintaining existing and aging infrastructure, which can impact the ability to pursue new standalone crossing projects.

While the bipartisan Infrastructure Investment and Jobs Act of 2021 established a [wildlife-crossing safety program](#) to help states and tribes fund projects that reduce wildlife-vehicle collisions and improve habitat connectivity, these projects require substantial state matching funds. Providing a predictable, dedicated funding source at the state level would better position Nevada to secure federal funding and begin construction on projects it would not have been able to fund by itself. A \$5 million recurring appropriation for wildlife crossings will provide certainty for project planning purposes, accelerate the construction of wildlife crossings, improve road safety, and reconnect important wildlife habitat.

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