The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 4:20 p.m. on Tuesday, May 11, 2021, Online and in Room 2144 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Fabian Donate, Chair
Senator Melanie Scheible, Vice Chair
Senator Chris Brooks
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Allan Amburn, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Colby Pellegrino, Deputy General Manager for Water Resources, Southern Nevada Water Authority
Andy Belanger, Southern Nevada Water Authority
Adam Sullivan, P.E., State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
Nicole Rourke, City of Henderson
David Dazlich, Vegas Chamber
Patrick Donnelly, Nevada State Director, Center for Biological Diversity
Matthew Walker, Southern Nevada Home Builders Association
Kelly Crompton, City of Las Vegas
We will open the hearing on Assembly Bill (A.B.) 356.

**ASSEMBLY BILL 356 (1st Reprint):** Makes various changes relating to the conservation of water. (BDR S-1090)

**ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):**
Water conservation is an issue of importance to me, and I have been working on it for many years. It is one of the most important issues to Nevada. Nevada is the driest State in the Nation and averages ten inches of precipitation per year. Las Vegas is the driest major city in the Country, receiving four inches of precipitation per year. The main source of water in southern Nevada is from the Colorado River which is accessed through Lake Mead.

The Colorado River serves seven states and Mexico supporting a multitrillion dollar economy and millions of people from cities including Las Vegas, Denver, Phoenix, St. George, Los Angeles as well as major agriculture throughout the region. Water levels in Lake Mead have been declining for years and are very low. Forecasts indicate the decline in water will continue putting Las Vegas in a challenging position.
Southern Nevada has been innovative in addressing its water problems through incentive programs and other conservation initiatives. It has invested in infrastructure to allow continual access to its Colorado River supply as the Lake Mead levels continue to decline.

States and stakeholders relying on the Colorado River for water will be renegotiating on how to manage the drought-stricken river. Now is the opportunity to advance an innovative initiative for water conservation. **Assembly Bill 356** seeks to phase out the use of nonfunctional turf in nonresidential developments over the next five years.

Nevada can serve as an example to other communities and states in the region by leading with this initiative. Bold action is needed to address the crisis we could be facing if poor winters are experienced in the next few years. Ten percent of Nevada’s Colorado River allocation can be saved by these actions. This will allow future security for our communities. Water conservation is important and taking the right steps can be difficult.

**Assembly Bill 356** requires the Legislative Committee on Public Lands to conduct an investigation of these issues during the 2021-2022 Legislative Interim. Now is the appropriate time for the Legislature to gather information on what is being done and what ideas, opportunities and challenges exist for water conservation. The Committee will present recommendations for policy and other actions in its report.

**COlby Pellegrino** (Deputy General Manager for Water Resources, Southern Nevada Water Authority):

The Colorado River has faced persistent drought since the year 2000. It is difficult to message to the community the need for continual water conservation. Lake Mead water levels have fallen over 130 feet since the beginning of the drought. Seven in ten Nevadans draw water from the Lake, which is 90 percent of their water supply.

This year is shaping into one of the driest years on record, and the first federally declared shortage on the Colorado River will be declared for 2022. This will be Nevada’s first reduction in allocations of Colorado River water.
Water use in southern Nevada is increasing. Between 2019 and 2020, water use increased by over 22,000 acre feet. It is an alarming trend and needs to be reversed to chart a sustainable future.

The Southern Nevada Water Authority (SNWA) has invested heavily in a third intake pumping station to ensure water can be pulled from Lake Mead at any elevation. Despite these efforts, water use issues still need attention. Cash incentives of $3 per square foot of grass replacement are offered to customers. Incentives of various amounts have existed for 20 years. Five thousand acres of turf have been removed from the Las Vegas Valley since the inception of the incentive program. There are 12,600 acres of turf remaining in the Las Vegas Valley. Of that, 7,600 acres is turf needed for quality of life, recreation and residential use.

It is time to accelerate the removal of the remaining 5,000 acres of nonfunctional turf. Assembly Bill 356 will enable adjustments be made in the community. Irrigation of 3,900 acres is equal to 10 percent of the Colorado River allocation. The savings of this supply of water will help sustain future shortages on the Colorado River. Allowing a period of time gives the community time to adapt and respond in responsible ways. The Nonfunctional Turf Removal Advisory Committee will issue guidelines to SNWA for implementation.

ANDY BELANGER (Southern Nevada Water Authority):
Sections 1 through 35 have been deleted in A.B. 356. Sections 36 through 38 provide definitions of the SNWA and the Board of Directors of SNWA. Section 39 prohibits the waters of the Colorado River distributed by SNWA to irrigate nonfunctional turf on any property not zoned exclusively for a single-family residence.

A proposed amendment to A.B. 356 (Exhibit B) has been submitted by SNWA to clarify the waters of the Colorado River distributed by SNWA or its member agencies may not be used to irrigate nonfunctional turf on any property not zoned exclusively for single-family residences. The proposed amendment is necessary to insure uniform application throughout Las Vegas Valley.

Section 39 requires the Board of Directors to define functional and nonfunctional turf, develop a plan to remove nonfunctional turf and establish phases, deadlines, extensions and waivers as necessary.
Section 40 creates the Nonfunctional Turf Removal Advisory Committee to provide community input and feedback from stakeholders affected by the proposal.

The proposed amendment, Exhibit B, expands the membership of the Committee from seven to nine members, adding a second homeowner's association representative and a golf course representative. This suggestion comes as a result of conversations with members of affected areas.

Section 41 authorizes the Nonfunctional Turf Removal Advisory Committee to provide recommendations to the Board of Directors of SNWA on the removal of nonfunctional turf. Section 42 directs the Legislative Committee on Public Lands to discuss water resources and water conservation initiatives during the Interim.

CHAIR DONATE:
Did you provide a map showing the nonfunctional turf areas?

MR. BELANGER:
A map has been provided showing the streets and medians of nonfunctional turf in the Las Vegas Valley (Exhibit C).

SENATOR GOICOECHEA:
When was the last time water went over the spillway at Hoover Dam?

MS. PELLEGRINO:
1984.

SENATOR GOICOECHEA:
Are compensations given to those having to remove grass?

MS. PELLEGRINO:
Compensations will continue.

CHAIR DONATE:
What was the inclination of the 2026 timeline? Is five years too long to take action and implement this proposal?
MS. PELLEGRINO:
Phasing in implementation allows the supply chain to keep up with the conversions. The landscape community is monitored and tracked, and some might get overwhelmed. For example, a homeowners association may not have reserves, and time is needed to build reserves without applying special assessments. Earlier adoption of the policies is preferred, but continuing incentives and communicating the information is necessary. The five-year period avoids unintended consequences and coincides with the end of the interim period of the Colorado River guidelines, which ends in 2026. The hard work will have been accomplished when the next set of guidelines are issued, which will likely entail larger shortages for Nevada.

CHAIR DONATE:
What would the Division of Water Resources like to see as an outcome of the study by the Legislative Committee on Public Lands on water conservation? Does the Division have any ideas for the composition and structure of the study?

ADAM SULLIVAN, P.E. (State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources):
The Division of Water Resources supports the Interim study by the Legislative Committee on Public Lands on water conservation. Potential positive outcomes could result. The original intent of A.B. 356 provided flexibility for irrigators within existing water laws to not use water and still have water rights protected. The study could advance that objective and allow time to vet the different concerns expressed in testimony at the hearing of the State Assembly Committee on Natural Resources.

A positive outcome of the study could be in clarifying the intent of the critical management area designations and options for locally developed groundwater management plans requiring the removal of critical management area designations.

Additional objectives could promote conservation for all manners of use, besides irrigation. Broad spectrums of potential positive outcomes are possible in promoting protections of environmental water needs.
There are a number of priorities and interests in water conservation throughout the State, and the Division encourages an informal process for the composition and structure of the study to maximize access for public participation.

Participation by a bipartisan legislative grouping is valuable because conservation and wise water usage are subjects affecting everyone. The Division is committed to participating as needed or as requested by the Legislative Committee on Public Lands.

NICOLE ROURKE (City of Henderson):
The City of Henderson supports A.B. 356. The removal of nonfunctional turf is a critical step in addressing water resource challenges of prolonged drought conditions persisting in southern Nevada. Replacing nonfunctional turf will advance southern Nevada's water conservation efforts. Community water usage increased last year by 7 billion gallons, and continued increases at that level will be unsustainable for the community. The removal of 5,000 acres of nonfunctional turf in the Las Vegas Valley identified by SNWA will save over 12 billion gallons of water annually, enough to supply 74,000 homes.

The City of Henderson has replaced 2 million square feet, or 46 acres of nonfunctional turf. The City is committed to working with SNWA under its incentive plan to remove nonfunctional turf to improve water conservation.

DAVID DAZLICH (Vegas Chamber):
Vegas Chamber supports A.B. 356. This is a commonsense measure and a cost-effective way to address water shortages challenging Clark County and southern Nevada.

PATRICK DONNELLY (Nevada State Director, Center for Biological Diversity):
The Center for Biological Diversity supports A.B. 356. The Colorado River Basin is standing on the brink of a water disaster, and this bill will save 10 percent of the State's Colorado River allocation. Saving water benefits wildlife and endangered species in the Colorado River areas. Water saving benefits downstream users and ensures Nevada is negotiating from the strongest possible stand in future Colorado River negotiations. This policy does not affect the quality of life for people in Las Vegas Valley. Its importance reaches beyond the Valley. Other states and water purveyors will be seeking best practices for using Colorado River water. Southern Nevada could provide leadership in this regard.
MATTHEW WALKER (Southern Nevada Home Builders Association):
The Southern Nevada Home Builders Association supports A.B. 356. Prioritizing consumptive use affecting the economy and community enjoyment is important. The bill has a reasonable timeline for implementation.

KELLY CROMPTON (City of Las Vegas):
The City of Las Vegas supports A.B. 356. The City is in the process of its 2050 Master Plan revision which specifically removes all nonfunctional turf as necessary water conservation. Components of the Plan rely heavily on water efficiency in anticipation of greater population growth and visitation.

JAINA MOAN (External Affairs Director, The Nature Conservancy):
The Nature Conservancy supports A.B. 356 requiring the removal of nonfunctional turf irrigated with Colorado River water and distributed by SNWA. The Conservancy approves the inclusion of diverse interests on the Nonfunctional Turf Removal Advisory Committee, including an environmental organization.

Water sustainability is crucial for nature and people. In southern Nevada, the ratio of outdoor water to indoor water is a critical determinant of water sustainability and an important indicator of inequity. Users of indoor water shoulder the burden of outdoor water consumption. Urban plans should set clear and publicly visible targets for shifting the indoor-outdoor water-use ratio to achieve sustainable water supplies.

Any study on conserving water should include the needs of water-dependent natural systems. Water in Nevada has outsized importance for fresh water and terrestrial biodiversity supporting ecosystems from wetlands to riparian and upland areas. It is possible to provide water for human needs while conserving plants and wildlife.

ARIELLE EDWARDS (City of North Las Vegas):
The City of North Las Vegas supports A.B. 356 and echoes the testimonies from other cities.

JUSTIN HARRISON (Principal Management Analyst, Clark County):
Clark County supports A.B. 356. Clark County supports the replacement of nonfunctional turf which remains one of the most inefficient uses of water in Las Vegas Valley. Responsible water use is vital to economic security and
sustainability in southern Nevada. This bill will enhance water conservation in the region. Replacing nonfunctional turf with water-smart landscaping is a key strategy in All-In Clark County Sustainability and Climate Action Plan. Clark County is working with SNWA to replace nonfunctional turf with other forms of infrastructure at its facilities to reduce water usage in County operations.

ANDY DONAHUE (Southern Nevada Laborers-Employers Cooperation and Education Trust):
The Southern Nevada Laborers-Employers Cooperation and Education Trust supports A.B. 356 and the encouraging collaboration of the SNWA.

CHRISTI CABRERA (Nevada Conservation League):
The Nevada Conservation League supports A.B. 356. Nevada’s water resources are too precious to be wasted. The provisions in A.B. 356 will potentially save billions of gallons of water yearly while promoting water conservation in Nevada.

KYLE ROERINK (Executive Director, Great Basin Water Network):
The Great Basin Water Network supports A.B. 356, which offers the opportunity to create good news amid bad headlines with little economic impact on the State. Acting now avoids costs in the future.

FRED VOLTZ:
I oppose A.B. 356 because it does not go far enough in ensuring adequate water supplies. Single-family residential should not be exempt. Ornamental lawns in a desert climate are unsustainable and better left to climates with 40 inches of annual rainfall.

The effective date of A.B. 356 should be much sooner than 2027. I recommend it be July 1, 2022. If it means lawn sprinklers are turned off before renovations are completed, so be it. Nonfunctional turf should be defined by the bill rather than by the appointed committee. In Boulder City, over half of the total water usage is by the City, largely for the expansive lawns in its parks which are lightly used and could be classified as functional turf because a handful of people may use it. This applies to major parks, schools and golf courses in Las Vegas Valley.
Legal water rights mean nothing if there is insufficient supply to allocate. Considering population growth, past steps taken by SNWA to conserve water have not gone far enough to ensure future water supplies.

TONYA BATES (Cochair, Community Association Institute Nevada Legislative Action Committee):
The Community Association Institute Nevada Legislative Action Committee is neutral on A.B. 356 and represents homeowners, community associations, boards and business partners in Nevada. A majority of the members live in the Las Vegas area, which has the greatest concentration of community associations in the State. Many of the community associations were approved for development with green space common areas. These green spaces were created because local governments were able to shift the burden of providing adequate public facilities for the private sector. There are no recreational amenities, parks or grass playing fields in some vicinities other than what the community associations provide and privately maintain.

Not every home is located in areas zoned exclusively for single-family residences. Many SNWA users live in condominiums where the only green space may be the common area. The bill will deprive them of this space.

ASSEMBLYMAN WATTS:
Assembly Bill 356 is not intended to target common areas in communities. Common areas in these communities are considered functional turf. Green spaces in multifamily developments are not being addressed in the bill. Medians and other areas serving no purpose are addressed by the provisions in the bill.

The plans for the study by the Legislative Committee on Public Lands is bipartisan. All issues will be on the table for discussion. There are no predetermined outcomes for the study. All ideas, suggestions and feedback will be welcome.

This conservation initiative is an opportunity for the Nevada Legislature to take action on one of the largest and boldest water conservation initiatives ever. The southern Nevada community depends on it to sustain itself. This serves as an example to help push the water purveyors of the Colorado River into implementing similar initiatives. Measures like this are needed for all communities of the Colorado River and the West to survive and thrive for future generations.
CHAIR DONATE:
Any action taken to prevent a public health crisis from water shortages creates the right conversations. We will close the hearing on A.B. 356. We will open the work session on A.B. 171. We will not consider the work session on A.B. 85 at this time.

ASSEMBLY BILL 85 (1st Reprint): Revises provisions relating to noxious weeds. (BDR 49-108)

ASSEMBLY BILL 171 (1st Reprint): Establishes certain protections for certain swamp cedars. (BDR 47-468)

JENNIFER RUEDY (Policy Analyst):
I will read the summary of the bill from the work session document (Exhibit D).

SENATOR GOICOECHEA:
I am familiar with the swamp cedars but concerned about the provisions in A.B. 171. I do not agree with the mechanism withdrawing that piece of ground in statute. It is public domain, and I do not agree with putting restrictions on the trees.

ASSEMBLYMAN WATTS:
The provisions in A.B. 171 mirror other provisions in Nevada Revised Statutes (NRS). This is not land management policy for never removing the trees. It adds a process to secure a permit from the State Forester Fire Warden who lays out the regulations. An entity will weigh the costs and benefits of securing a permit.

A similar process is in place for cacti, yucca, Christmas trees and fully protected species. The provisions in A.B. 171 apply only to this species of swamp cedars in this specific geographic area. It is in line with the State’s authority.

SENATOR GOICOECHEA:
Regardless of where the Rocky Mountain juniper grows, it is not a protected species. The land is multiple-use land.

ASSEMBLYMAN WATTS:
This is the reason for clearly defining the geographic area so protections do not apply to other Rocky Mountain junipers in Nevada. The unique cultural and ecological significance of the area identifies the intent. There is no science on
whether it is a genetically-distinct species, and the Rocky Mountain juniper is not being declared as a fully-protected species.

SENATOR GOICOECHEA:
It could be challenged.

CHAIR DONATE:
Do you have a map of the area of concern to provide to the Committee?

ASSEMBLYMAN WATTS:
Yes, I will provide a map to the Committee.

CHAIR DONATE:
I will entertain a motion to do pass A.B. 171.

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 171.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GOICOECHEA VOTED NO.)

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CHAIR DONATE:
We will move to Assembly Joint Resolution (A.J.R. 2).

ASSEMBLY JOINT RESOLUTION 2 (1st Reprint): Recognizes that the health of forests, rangelands and soils are inextricably linked to the quantity and quality of water. (BDR R-112)

MS. RUEDY:
I will read the summary of the resolution from the work session document (Exhibit E).

CHAIR DONATE:
I will entertain a motion to do pass A.J.R. 2.

SENATOR BROOKS MOVED TO DO PASS A.J.R. 2.
SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:
We will move to A.J.R. 4.

ASSEMBLY JOINT RESOLUTION 4 (1st Reprint): Urges Congress and the President of the United States to protect certain land containing swamp cedars in Spring Valley. (BDR R-467)

MS. RUEDY:
I will read the summary of the resolution from the work session document (Exhibit F).

SENATOR GOICOECHEA:
I will support this resolution because it is going to the federal government who has authority over Spring Valley lands.

CHAIR DONATE:
I will entertain a motion to do pass A.J.R. 4.

SENATOR GOICOECHEA MOVED TO DO PASS A.J.R. 4.

SENATOR SCHIEBLE SECONDED THE MOTION.

SENATOR HANSEN:
I will vote for the resolution, although I am uncomfortable with the massacre language because the 1859 and 1897 massacres have very limited or actual evidence. I am in favor of allowing the tribes to have this area; they deserve it.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:
We will open the hearing on Senate Bill (S.B.) 443.
MEGHAN BROWN (Deputy Administrator, Division of Plant Industry, State Department of Agriculture):

Senate Bill 443 proposes additions and modifications affecting the standards governing seeds. The modifications affect those who wholesale or sell seed in stores and nurseries in Nevada. The State Department of Agriculture requested these changes based on its strategic plan to update and modernize regulations.

The changes outlined in S.B. 443 will bring the Department in line with federal seed standards and other western states' regulations providing consistency for those selling seeds in multiple states in the West. As the industry advances, western states such as Arizona, Colorado, Oregon and Wyoming have implemented similar regulations modernizing terminology and ensuring seed quality related to expected shelf life.

Modernization of Nevada's seed law is needed to protect the integrity of the industry. The law is intended to protect consumers and assist them in making informed decisions when purchasing viable products. Sellers and consumers need affirmation that the products offered for sale comply with State and national standards, such as the Federal Seed Act, and uphold quality thresholds. When purchasing seeds, consumers need assurance that the product is free from certain weed species and will perform as indicated on the label.

The Recommended Uniform State Seed Law (RUSSL) is a collection of suggested regulatory language compiled by the Association of American Seed Control Officials. The RUSSL has been vetted and approved by state seed regulators in an attempt to fortify compliance with the Federal Seed Act. Most of the revisions found in S.B. 443 come from RUSSL and are validated and incorporate new definitions that clarify various aspects of current language. It is the recommendation of RUSSL to establish sell-by dates on seed packaging to ensure the market is offering viable and quality products.

Sections 2 through 11 define certain terms that apply to the standards that govern seeds, including, without limitation, terms such as "complete records" and "conditioning," which appear in existing sections of NRS but not in the new language of this bill.
Sections 12 and 16 make conforming changes by indicating the proper placement of sections 2 through 11 in NRS and replacing certain phrases in existing law with the newly defined terms. Section 14 expands the scope of required regulations to account for the new provisions.

The term "certifying agency," in part, is defined in statute to mean an agency that is authorized under the laws of a state, territory or possession of the U.S. to officially certify seed. Section 13 defines a certifying agency which has procedures and standards approved by the U.S. Secretary of Agriculture to assure the purity and identity of certified seed.

Section 15 requires containers of seeds to bear or have attached a plainly written sell-by date which contains the phrase "sell by ____" and a date which for seeds of agricultural crops must be not more than 15 months after the date of test for germination was completed; and a date which for seeds of flowers, vegetables, herbs, trees and shrubs must be not more than 12 months after the date of the test for germination was completed.

Labeling containers for seeds of agricultural crops are required to state certain information per NRS 587.093. Section 16 requires that such containers also include certain additional information if the seeds of agricultural crops contained in the containers are coated.

SENATOR GOICOECHEA:
With the labeling requirements, what will happen with out-of-state seeds? Requirements come with costs. Perhaps a producer brings seeds purchased from a state without requirements, would the seeds need to pass an inspection prior to coming into Nevada?

MS. BROWN:
Are you asking about a person who goes to another state to purchase seeds and returns to Nevada to utilize the seeds?

SENATOR GOICOECHEA:
Yes, an expiration date would not appear on the package. I am concerned requirements on seed producers in Nevada will make costs higher, and what will stop producers from going to other states for seeds?
MS. BROWN:
If a person were to purchase in another state, inspections would not occur. I will verify this for the Committee. Other states have regulations, and most commercial operators use the sell-by labeling.

CHAIR DONATE:
We will close the hearing on S.B. 443 and open the hearing on A.B. 452.

**ASSEMBLY BILL 452**: Revises provisions relating to environmental protection. (BDR 40-1093)

GREG LOVATO (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):
I will introduce A.B. 452 and read from my written testimony (Exhibit G) outlining the provisions in the bill.

KRISTEN AVERYT, PH.D. (State Climate Policy Coordinator, State Department of Conservation and Natural Resources):
Assembly Bill 452 will support the goals of the State of Nevada Climate Initiative. I will read from my written testimony (Exhibit H).

MS. CABRERA:
The Nevada Conservation League supports A.B. 452. As home to one of the fastest warming cities in the U.S., Nevada is feeling the impacts of climate change. Nevada strives to become a cleaner and greener State but still is not on track to meet its climate goals. Preparing annual reports including a statewide inventory and projections of greenhouse gas emissions is tasked to the State Department of Conservation and Natural Resources. It provides the framework for the Legislature to determine policies needed to meet State goals. It is important the Department has the tools to complete these tasks.

RAMIRO REYES (Chispa Nevada):
Chispa Nevada supports A.B. 452. I will read from my written testimony (Exhibit I).
CHAIR DONATE:
We will close the hearing on A.B. 452. With no further business, we will adjourn this meeting at 5:43 p.m.

RESPECTFULLY SUBMITTED:

______________________________
Christine Miner,
Committee Secretary

APPROVED BY:

______________________________
Senator Fabian Donate, Chair

DATE: __________________________
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