

**MINUTES OF THE NOVEMBER 17, 2022
MEETING OF THE LEGISLATIVE SUBCOMMITTEE OF
THE TRUCKEE MEADOWS WATER AUTHORITY**

The meeting of the Legislative Subcommittee of the Truckee Meadows Water Authority (TMWA) was held at TMWA and via Teleconference. Chair Dahir called the meeting to order at 1:02 p.m.

1. ROLL CALL

TMWA Subcommittee Members Present: *Kristopher Dahir, Naomi Duerr and Alexis Hill, a

TMWA Legal Counsel: Lucas Foletta

TMWA Staff Present: Sonia Folsom, Stefanie Morris, Laura Rader, Kara Steeland, and Leo Drozdoff (TMWA Lobbyist)

A quorum of the TMWA Legislative Subcommittee was present.

*Chair Dahir attended the meeting virtually.

2. PUBLIC COMMENT

There was no public comment.

3. APPROVAL OF THE AGENDA

Upon motion duly made by Member Duerr and seconded by Member Hill, and carried unanimously, the TMWA Subcommittee approved the agenda.

4. APPROVAL OF THE TMWA SUBCOMMITTEE MINUTES OF OCTOBER 18, 2021.

Upon motion duly made by Member Hill and seconded by Member Duerr, and carried unanimously, the TMWA Subcommittee approved the minutes of the October 18, 2021 meeting.

5. SUPREME COURT WATER COMMISSION UPDATE

Stef Morris, TMWA Director of Legal and Regulatory Affairs, reported the Supreme Court Water Commission had met intermittently since the last Legislative Subcommittee meeting. The Commission had broad support for educating judges on water topics and additional funding for the State Engineer's office. Ms. Morris also reported that there was ongoing debate about water courts or having specialized water judges. The Commission met on November 17, 2022 overlapping this meeting.

Discussion followed regarding the introduced the last session, why it was pulled, and the purpose of the committee, and the committee's purpose. At this time, it is unknown whether it will return as a bill, but will most likely show up in the budget.

6. FEDERAL FUNDING UPDATE

Ms. Morris provided a federal funding overview focusing on opportunities available and funding opportunities TMWA had applied for. She noted a number of hurdles related to obtaining the funding for infrastructure projects. There was also a discussion about other grant opportunities for non-federal funds. Ms. Morris also updated the subcommittee regarding the \$100 million program for drought conservation announced by Governor Sisolak.

Member Duerr inquired if it was possible to get funding without the restrictions. Ms. Morris replied that was unlikely and because many of the funds were federal, the constraints were being communicated to the states, leaving little flexibility.

Ms. Morris stated she attended the Western Urban Water Coalition (WUWC) conference and noted everyone there was experiencing the same issues with how to access funding prior to environmental review being completed.

7. ANTI-DEGRADATION REGULATIONS – EAW UPDATE

Kara Steeland, TMWA Hydrologist, reported the Nevada Department of Environmental Protection (NDEP) began discussing changes to antidegradation (proposed tiers of protection to maintain and protect the existing condition of high-quality surface waters from point-source discharges) and ecological or aesthetic waters (EAWs) (outlines a formal rule-making process for nominating and classifying surface waters that have exceptional or special water quality characteristics or important ecological, aesthetic, or recreational value) in fall of 2020. Since then, TMWA staff worked with Cities of Reno and Sparks, Truckee Meadows Water Reclamation Facility (TMWRF) and other stakeholders to provide written comments throughout the development process and attended multiple workshops with NDEP. After extensive public outreach, NDEP considered all comments and revised regulations were updated in July 2022. TMWA supports the current version which ensures that the EAW petition process provides the necessary public outreach and information to make objective and informed decisions and does not overburden NDEP with data gathering or incurring the full costs of the nominations.

Mr. Drozdoff added that this item was pulled from the State of Environmental Commission (SEC) in November, there is no meeting in December so the earliest it can be heard is in January.

Member Hill asked if this is a reaction to the situation in Fernley. Mr. Drozdoff said no, and Ms. Morris added there is no clear indicator, but came from an audit that more clarity is needed.

8. STATE ENGINEER REGULATIONS UPDATE

Ms. Morris updated the subcommittee about the State Engineer regulations related to process and procedure for extension of time applications. She reported that those regulations have been adopted and have been in effect. Ms. Morris reported that many of the changes suggested by TMWA were not incorporated but, to date, the new forms have not been problematic for TMWA.

9.. 2023 LEGISLATIVE FORECAST

A. HIGH LEVEL OVERVIEW OF BDR NUMBERS AND TOPICS

Sonia Folsom, TMWA Executive Assistant, reported there were almost 500 Bill Draft Requests (BDRs) and about 80 Bills dropped on November 16th. Of those, TMWA is tracking 170 BDRs and 27 Bills.

B. ELECTION UPDATE

Mr. Drozdoff reported the biggest news is that Nevada has a new Governor Elect, who is Republican, and both houses have remained in Democratic control. Prior to the previous 4 years, the previous 20 years have consisted of a Republican Governor and Democratic control of both houses, with one notable exception being in 2015. H At this time there is more work to be done to figure out the Governor's priorities The Governor Elect is still in the process of selecting his team.

Member Duerr asked if there is a limit to the governor's veto power. Mr. Drozdoff replied, no.

C. UPDATE ON TOPICS LIKELY TO ARISE

Ms. Morris and Mr. Drozdoff overviewed topics likely to be included in this legislative session. The topics largely came from the Joint Interim Standing Committee on Natural Resources and Subcommittee on Public Lands. The first topic discussed was changes to State Revolving Fund language defining what entities can use Clean Water Act funds. SB 20 would amend the NRS to more align with the federal definition regarding who may access Clean Water Act funds. Ms. Morris noted that the Clean Water Act funds allow for dollars related to watershed protection and TMWA cannot currently access these funds. If passed, AB 20 would allow TMWA to access Clean Water Funds. Ms. Morris overviewed topics related to water conservation and return flow enhancement for Colorado River water by septic system modifications and nonfunctional turf removal. She also noted that there was an existing MOU between select Colorado River users to reduce nonfunctional turf removal by thirty percent. Finally, she noted that there was a proposal for a bill to clarify the process and authority for conjunctive use. There was a discussion about increased heat in Reno and it was noted there would likely be a bill to require cities and others to take heat protection into their planning processes. Mr. Drozdoff also noted that there would likely be a bill to authorize Nevada's Department of Wildlife to manage non pest insects. Mr. Drozdoff also noted there would likely be a bill to establish a Nevada Natural Resources Corps to help attract professionals to Nevada to work for certain state agencies. Finally, it was noted that there may be bills creating a working group to review environmental justice issues and a bill to establish qualifications for the tribal liaison position and to adjust state agency employment standards to help tribal members obtain state employment.

10. COMMITTEE COMMENTS

Member Hill commented on how impressed she was with all the work done already by staff.

Member Duerr agreed, and noted the Reno Council has not been briefed yet, and suggested the subcommittee all go to the Legislature during session when appropriate.

Chair Dahir reminded the subcommittee that one of its goals is to create relationships so as not to be surprised during the session and to be experts in the room for the region. Staff is doing a great job

already. Mr. Drozdoff said both the Assembly and Senate have picked their respective leaders and are in the process of assigning committees and chairs. Ms. Morris suggested once the chairs have been selected to schedule roundtables with the committees to help educate them about TMWA d.

11. STAFF COMMENTS

Ms. Morris will be checking in about meetings and frequency once in session and TMWA's Legislative Subcommittee is established for the 2023 session.

12. PUBLIC COMMENT

There was no public comment.

13. ADJOURNMENT

With no further business, to discuss, Chair Dahir adjourned the meeting at 1:57 p.m.

Approved by the Legislative Subcommittee of the Truckee Meadows Water Authority on March 7, 2023.

Submitted by,

Sonia Folsom, Recording Clerk