



Summary of Minutes of the Nevada Drought Forum

Meeting of November 20, 2015, 9:00 AM

Nevada State Capitol
Guinn Room
101 North Carson Street
Carson City, NV

Video Conference:

Grant Sawyer Office Building
Governor's Conference Room
555 East Washington Street
Las Vegas, NV

Members Present:

Leo Drozdoff, P.E., Chair
John Entsminger, Vice Chair
Dr. Doug Boyle
Dr. Justin Huntington
Jason King, P.E.
Dr. Mark Walker
Jim Barbee
Caleb S. Cage

Forum Staff Present:

Micheline Fairbank, Senior Deputy Attorney General
Andrea Sanchez-Turner, Administrative Support

BEGIN SUMMARY MINUTES

1) Call to order and Roll Call

Chair Drozdoff called the meeting to order at 9:06 a.m.

Andrea Sanchez-Turner, Department of Conservation and Natural Resources (DCNR), conducted the roll call.

2) Public Comments: (Discussion)

No public comment.

3) Review and Consideration of Approval of Agenda (Action Item)

Vice-chair Entsminger moved to approve the agenda; second by Member Barbee; motion passed unanimously. *ACTION

4) Review and Consideration of Approval of Minutes (Action Item)

Vice-chair Entsminger moved to approve the minutes from the October 26, Drought Forum meeting; seconded by Member King; motion passed unanimously. *ACTION

5) Climate Forecast Update (Discussion and Possible Action)

Member Boyle noted Nevada has had a good beginning to the water year which started on October 1. In the lower valley areas there is above-normal precipitation. In the mountain areas it is generally normal in terms of precipitation. He noted as far as precipitation, Nevada is where it needs to be, however it is too early in the season to change any drought indications as far as the Drought Monitor is concerned. There is still uncertainty on whether Nevada will have a wetter than average year depending on the effects of El Nino. Some storms do not seem to be El Nino related. Currently, there are discussions and disagreements with the Drought Monitor authors on how to modify the drought conditions on the map.

Member Walker asked for clarification on what the Drought Monitor authors are reacting to. Member Boyle noted that the authors' logic is based upon the current precipitation amounts seen on the maps.

A full account of the discussion is captured in the audio recording, available on the Nevada Drought Forum's website (www.drought.nv.gov).

6) Discussion of Nevada Drought Forum Recommendations Report (Discussion and Possible Action)

Chair Drozdoff introduced Lewis Michaelson who will help to facilitate the discussion concerning the final report to the Governor. Chair Drozdoff noted the goal of the meeting is to review the draft report, make changes as proposed by Forum members and finalize the report.

Mr. Michaelson noted the Forum has spent a lot of time listening to other people and asked Forum members if the overall draft report is where they hoped to be at this point. There was discussion with Forum members agreeing the draft report captured major themes, next steps and ideas from their meetings, discussions and the Summit.

Mr. Michaelson reviewed the beginning of the draft report (pages 1 through 7) and asked if this section was agreeable to Forum members. Member Walker noted this section is both factual and concise. Forum members agreed.

Mr. Michaelson suggested reviewing the remainder of the draft report by category.

1. Water Conservation

There was discussion about this section and the flexibility of the language concerning requirements for water conservation plans. The current language accommodates small purveyors of water and allows the State Engineer to have some latitude concerning their requirements. Under "Recommendations," Vice-chair Entsminger proposed language changes to the first bullet. There was also discussion concerning the "use it, or lose it" wording under the fourth bullet.

Micheline Fairbank, Nevada Attorney General's Office, asked for clarification on how the Forum will proceed when making proposed changes to the draft report, noting that doing it section by section would provide clarity. Chair Drozdoff agreed the Forum will make motions a section at a time.

Member King made a motion to approve the *Water Conservation* section with the proposed amended language (listed below); seconded by Member Walker; motion passed unanimously. ***ACTION**

Water Conservation - Recommendations:

Bullet 1:

- "...Amend the current statute that requires all water purveyors to submit a water conservation plan to the Division of Water Resources. Amendments would add the following additional areas that purveyors must require as part of their plan, unless the requirement is deemed unnecessary by the State Engineer..."

Bullet 4:

- "...Review potential changes and clarifications to the "use it or lose it" provisions in Nevada water law to increase opportunities and incentives for water conservation during drought and non-drought conditions..."

2. *Nevada Water Law*

Forum members noted this section is well-written and spelled out the discussions of the Forum from past meetings, etc.

Member Cage made a motion to approve Section 2 – *Nevada Water Law* as written; seconded by Member Barbee; motion passed unanimously. ***ACTION**

Chair Drozdoff noted the Forum was in general agreement that Pages 1 through the middle of Page 8 were good, but there was not a motion made. Member Barbee made a motion to approve these pages as written; seconded by Vice-chair Entsminger; motion passed unanimously. ***ACTION**

3. *Monitoring and Research Data*

Member Boyle asked for clarification on the concept of "working group" in this section with Chair Drozdoff noting this is an organic concept, not similar to the Forum where they following rules of order. Member Boyle asked about the membership of the working group and getting the right people at the table. Chair Drozdoff noted the Governor would probably take input from Forum members on who should participate in the working group and send out letters inviting them to do so. There was discussion about the language in the Recommendations of this section and if it ensures the correct and best membership of the working group with a proposal of adding wording to the first bullet. The Forum also discussed adding wording concerning timelines and dates in this section. There was concern about adding this language, as these are recommendations to the Governor and it is up to him to determine the timeline.

Member Huntington proposed language changes to the first bullet, sub-bullet 3, and to the second bullet under Recommendations.

Member Walker made a motion to approve the *Monitoring and Research Data* section with the proposed amended language (listed below); seconded by Member Huntington; motion passed unanimously. ***ACTION**

Monitoring and Research Data - Recommendations:

Bullet 1:

- “...Direct the formation of a working group of climate professionals and other relevant disciplines to set goals and assess recommendations for drought monitoring, including information gaps/site needs, prioritization of efforts, implementation strategies, and cost identification/funding strategies. This working group is encouraged to:...”

Bullet 1, Sub-bullet 3:

- “...Work with other organizations (such as NIDIS – National Integrated Drought Information System) and/or explore implementation of new technologies to improve drought monitoring~~forecasting~~, ~~early~~-drought early warning systems and ~~seasonal forecasting~~forecasts...”

Bullet 2:

- “...Work with other western Governors to request an additional U.S. Drought Monitor author to represent western states and encourage expansion of the U.S. Drought Monitor to include multiple indicators (vegetative and hydrologic drought), including state impact reporting...”

4. *Financial and Technical Assistance*

There was discussion about this section. Member Walker asked for clarification on financial incentives and the relationship with state agencies and federal programs to put in water conservation measures dealing with agriculture. All the recommendations have to do primarily with the financial strength of state agencies to be effective. There was discussion on this and funding for incentives and rebates and adding language to clarify funding. After the discussion, the Forum decided the section was good as written.

Member King made a motion to approve Section 4 – *Financial and Technical Assistance* as written; seconded by Member Boyle; motion passed unanimously. ***ACTION**

5. *Supply Augmentation and Long Range Planning*

There was discussion concerning the goals of this section and the language included in the second bullet to ensure robust actions are taking place at the local level. There were proposed language changes to the second bullet with Forum members discussing the proposed changes.

Member King made a motion to approve the *Supply Augmentation and Long Range Planning* section with the proposed amended language (listed below); seconded by Member Barbee; motion passed unanimously. ***ACTION**

Supply Augmentation and Long Range Planning - Recommendations:

Bullet 2:

- “...~~Without affecting the inherent authority of the Nevada State Engineer, support and encourage the development of local and regional water plans~~~~Require local government to work with private, municipal and other water purveyors to develop local/regional water plans~~ that ~~consider~~include long-term supply and demand projections in order to ensure a sustainable water supply~~that collectively these plans represent the approach being taken as a state to address long term supply and demand planning...~~”

6. *Information Sharing and Outreach*

Chair Drozdoff noted this is the section of the report that is responsible for reaching out to the most people. There was discussion about who will be responsible for communicating information. The Forum decided this should be left for the Governor to determine.

There was discussion about referring specifically to New Mexico Judges Seminar with Member King explaining the significance of the New Mexico Judge Seminar is that in every district court in New Mexico there is a judge referred to as the Water Judge, who has training in water, and all water cases go before this judge.

Member Barbee made a motion to approve Section 6 – *Information Sharing and Outreach* as written; seconded by Member Boyle; motion passed unanimously. ***ACTION**

7. *Drought Declaration/Emergency Actions*

Chair Drozdoff noted the goal of this section is to assist the Drought Response Committee in providing them with more refined items on which to follow-up, providing them with direction on how to move forward.

There was discussion about this section, including adding a deadline to the Recommendations for the Drought Response Committee. Member Cage stated he felt strongly a date (July 1) should be included in the Recommendations. The Forum noted that adding a deadline to this section would be inconsistent with the rest of the Recommendations from other sections.

Member Walker noted that there should be some acknowledgement concerning the Drought Response Committee receiving information *from* the community and not just sending information *to* the community and suggested this should be addressed through the Committee’s membership. Chair Drozdoff stated the Committee has the ability to invite presenters to attend meetings on different topics as they feel is needed. There was discussion on this topic and proposed wording for an additional bullet.

Member Boyle asked for clarification on if the Committee would be subject to Open Meeting Laws. Ms. Fairbank noted there would need to be a review of the Committee by the Attorney General’s Office.

Vice-chair Entsminger made a motion to approve the *Drought Declaration/Emergency Actions* section with the proposed added language (listed below); seconded by Member Barbee; motion passed unanimously. ***ACTION**

Information Sharing and Outreach - Recommendations:

Add bullet:

- The Committee shall invite experts and make recommendations to the Governor for adding additional members as needed.

A full account of the discussion is captured in the audio recording, available on the Nevada Drought Forum's website (www.drought.nv.gov).

7) Next Steps (Discussion and Possible Action)

Member Barbee moved for the report to be accepted in total and forwarded to the Governor; seconded by Member Walker; motion passed unanimously. ***ACTION**

A full account of the discussion is captured in the audio recording, available on the Nevada Drought Forum's website (www.drought.nv.gov).

8) Public Comment: (Discussion)

Chair Drozdoff noted there was written public comment submitted by Rick Spilsbury before the meeting (*see Attachment 1*).

Carson City:

Ray Bacon, Nevada Manufacturers' Association, spoke about the section of the draft report concerning public engagement. He noted the Forum needs to reach out, but also engage the community on a personal level on what they can do to conserve water and energy. He also noted energy and water are directly connected and the draft report is a little light concerning this connection. Installing meters needs to be thoughtfully and correctly.

Abby Johnson, Great Basin Water Network, stated her agreement with Mr. Bacon's comments concerning the waste of water, especially concerning fast food retailers (ice). She spoke about the Open Meeting Law and about messaging, quarterly reporting and utilizing available resources, such as PIOs. Open Meeting Laws are important and having committees that are more inclusive are advantageous as there may be more rural individuals and organizations participating. She voiced her frustration about coming to a meeting in which a document being discussed was not available in advance for review. There was no opportunity for input before the report was finalized as there was no time for review of the document before the meeting. Public comment and engagement needs to be made meaningful. This was a lost opportunity to consider public thoughts and comments.

Chair Drozdoff acknowledged Ms. Johnson's comments about the document and noted the *Information Sharing and Outreach* section allows for plenty of creativity in areas where deemed appropriate.

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9) Adjournment:

Meeting adjourned by acclamation at 12:16 p.m.

ATTACHMENT 1

First, I'd like to thank you all for your time and effort.

Now is your chance to show you have not ignored Nevada's Rural population, Nevada's Native population, Nevada's environment, and Nevada's future generations.

Moreover; now is your chance to allay our nagging suspicions that this whole process was just a politically motivated effort to copy the Los Angeles buy up of Owens Valley water by “unbundling” water rights for purchase on the open market.

Adrian Walsh of the University of New England, in [The Commodification of the Public Service of Water: A Normative Perspective](#), states: “Commodification will, in most cases, be at odds with commonly endorsed environmental values and will limit any government's ability to act in an environmentally sensitive and sustainable manner.”

Promoters of this “unbundling” scheme have used Australia as an example. But not everyone considers the “unbundling” of water in Australia to be such a success. In fact, [ABC Australia reported](#) that “The water market conspicuously failed to live up to the expectations of the National Water Initiative, driving down water storages in the Murray-Darling Basin to critically low levels at a time when conservation should have been paramount. The dire consequences for the environment, communities and economy of the Basin were clear for all to see.”

Sadly, the water users most likely to suffer from unbundling are small family farms. Anthony S. Kiem's article [Drought and Water Policy in Australia](#) concludes; “there are also some *significant limitations* and the people and industries that are negatively impacted by water trading are hit hard.” ...And; “However, these benefits are limited to the larger, well-informed irrigators *at the expense* of the smaller “family farm” organizations”

On the other hand; a large number of offshore players (speculators) have been quite active in Australia's water market. Which means unbundling benefits foreign financial speculators, and drives water prices up, at the expense of family farms.

The last thing this Forum wants to be accused of doing is using “Shock Doctrine” tactics to ram through exploitative laws that benefit only the greedy.

Besides, the over allocated Nevada Valleys didn't just happen. State politicians and bureaucrats who were unwilling to say “no” got us into this crisis. And now it appears they may want to seize power away from local control and entice our elected representatives to make it worse by passing bills to further enable unrestrained exploitation of Nevada's water resources.

You have the influence to say that this is a bad idea.

Water is *the* one resource that *always* has to be thought about in the long term.
Water is life.

Or in other words:

No economy can withstand the collapse of our Environment.

Thank you for your time,
Rick Spilsbury