

# **Nevada Drought Forum: Recommendations Report**

*Presented to Governor Brian Sandoval • December XX, 2015*

**D R A F T**

## **Nevada Drought Forum**

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The Nevada Drought Forum would like to express its sincere gratitude to the many stakeholders who helped the Forum to better understand the issues, challenges and opportunities related to drought response in Nevada.

Brian Sandoval, Governor

## **EXECUTIVE SUMMARY**

The Nevada Drought Forum (Forum) was formed by Governor Brian Sandoval in April 2015 through Executive Order 2015-03 to address water resource challenges related to severe and sustained drought conditions that have affected much of the state. The Forum was directed to facilitate a statewide dialogue among interested stakeholders and identify best practices for drought policy, preparedness and management.

As part of its responsibilities, the Forum prepared a Summary of Current and Future Actions, received a monthly Statewide Situation Report, participated in the 2015 Governor's Drought Summit, reviewed and considered the Western Governor's Association (WGA) Drought Forum Final Report, and met with stakeholders throughout the state to better understand issues and challenges, as well as to identify opportunities to enhance Nevada's drought response efforts.

The Forum met six times from June through November 2015. Meetings were broadcast to multiple locations throughout the state to provide transparency and encourage public involvement. As part of its meeting process, the Forum invited representatives from various stakeholder groups to share information on drought impacts, mitigation efforts and current or anticipated obstacles to doing business during drought. Additionally, Forum members participated individually in the Governor's Drought Summit, which further explored stakeholder drought response efforts, water conservation efforts, conservation barriers, and opportunities to improve conditions and/or Nevada drought resiliency moving forward. These efforts are detailed more fully herein, with supporting information available in the appendices and online at [drought.nv.gov](http://drought.nv.gov).

Together, these discussions provided a strong foundation for deliberations by the Forum. As the Forum worked to develop recommendations, members agreed that meaningful investments in time, coordination and funding in the following key areas could improve Nevada's overall drought response and long-term resilience:

- *Water Conservation*
- *Nevada Water Law*
- *Monitoring and Research Data*
- *Financial and Technical Assistance*
- *Supply Augmentation and Long-Range Planning*
- *Information Sharing and Outreach*
- *Drought Declarations/Emergency Actions*

As described within the balance of this report, the Forum recommended specific actions that allow for consideration of next steps. The Forum believes that the Governor's leadership in addressing water conservation and drought for the long-term benefit of the state and its residents, together with further consideration and possible implementation of some or all of these recommendations, will provide a substantial and meaningful step towards managing statewide drought impacts and maintaining sustainable water supplies.

## **INTRODUCTION:**

Nevada is known for its rich and diverse landscape; it is also known for its harsh climate and hydrological extremes. The state is characterized as semi-arid to arid, with precipitation varying widely across its more than 500-mile stretch from northern to southern boundary. Temperatures can reach -40° F in some parts of the state and exceed 120° F in others. With nine inches of average precipitation annually, Nevada is the driest state in the nation.

Droughts and floods are common in the state—a place where water users have long coped with the dramatic changes that can occur from year to year. Despite its hardiness in responding to difficult water resource challenges, current conditions have tested Nevada's drought resiliency and are requiring unprecedented levels of action.

Four years of extremely dry conditions and below average snowpack in northern Nevada's mountain ranges have resulted in significant impacts to the Humboldt, Carson, Walker and Truckee river systems, as well as associated surface and groundwater water supplies. In the southern portion of the state, a 15-year drought in the Colorado River Basin has caused Lake Mead to drop by more than 130 feet. The reservoir is at its lowest point since it began filling during the 1930s, and further water level decline is expected. Central portions of the state have also experienced drier conditions. This has resulted in reduced recharge to groundwater basins, as well as inflow reductions to springs, seeps and streams that support healthy rangeland conditions and provide habitat for Nevada wildlife.

## **NEVADA DROUGHT FORUM:**

To address the state's evolving water supply and demand challenges brought upon by severe drought, Governor Brian Sandoval established the Nevada Drought Forum (Forum) in April 2015 by Executive Order 2015-03 (Appendix A). The Forum was created to facilitate a statewide dialogue among interested stakeholders and to help identify best practices for drought policy, preparedness and management.

As part of its responsibilities, the Forum prepared a Summary of Current and Future Actions, which describes the current and planned activities of local, state and federal entities (Appendix B). The Forum also received a monthly Statewide Situation Report issued (Appendix C); participated in the September 2015 Governor's Drought Summit (Appendix D); reviewed and considered the Western Governors' Association (WGA) Drought Forum Final Report (Appendix E); invited stakeholders throughout the state to participate in Forum meetings (Appendix F) and received communications through the Drought Forum website (Appendix G).

These efforts helped establish a better understanding of how drought-related issues are affecting water users, industry and the environment, and informed the development of recommendations as presented in the latter portion of this document. The following provides a brief overview of the Drought Forum and key efforts since its formation.

## **DROUGHT FORUM REPRESENTATION:**

As established in the Governor's Executive Order, the Nevada Drought Forum is comprised of the following members:

- The Director of the Nevada Department of Conservation and Natural Resources
- The Director of the Nevada Department of Agriculture
- The State Engineer of the Nevada Division of Water Resources
- The Chief of the Nevada Division of Emergency Management
- The Nevada State Climatologist
- The Dean of the University of Nevada Cooperative Extension
- A representative of the Desert Research Institute
- A representative of the Southern Nevada Water Authority

## **SUMMARY OF CURRENT AND PLANNED ACTIONS:**

In May 2015, the Forum issued a questionnaire to local, state and federal stakeholders. Respondents were asked to provide information on: water supply sources (groundwater, surface water, other); area of service (size, number of customers served, location); drought impacts on operations, resource availability and/or planning activities; actions taken, underway or planned; and, topics/issues for possible future discussion by the Forum.

The questionnaire was issued to more than 235 water users throughout Nevada, including municipal, state and federal agencies as well as private and other water users. Respondent information was summarized and posted to the Nevada Drought Forum website, [drought.nv.gov](http://drought.nv.gov), in August 2015.

The following describes reported impacts as well as current and planned drought response measures by user type.

### **Local Agencies:**

Local agencies reported drought impacts that range in nature from no impact to significant impact. Several respondents noted higher customer water use due to drought conditions, as well as declining ground and/or surface water levels. For some, declining water levels do not have an immediate impact, but have the potential for impact if conditions persist. Others indicated that declining water levels have significantly affected water supply availability, facilities and operations.

Drought response measures vary by agency to include one or more of the following: water conservation plans, education/outreach, landscape development codes, irrigation audits, water budgets, watering restrictions, water waste prohibitions/enforcement, leak detection/repair, metered use/rates, incentive/rebate programs, industry partnerships, facility modifications/new facilities, new supply acquisition/development and other actions.

### **Other Water Purveyors:**

Other water purveyors, including irrigation districts and private water companies, reported financial impacts due to decreased water use and declining groundwater levels.

Current and planned drought response measures varied to include one or more of the following: water conservation plans, outreach, landscape development codes, watering restrictions, water waste restrictions, cooling system restrictions, leak detection/repair, rebate programs, facility modifications and vegetative management.

### **State Agencies:**

State agencies reported impacts that include water supply disruptions and facility failures due to reduced precipitation and/or inflow to surface and groundwater systems; impacts/potential future impacts on wildlife and environmental resources, recreation (boating), game (hunting and fishing) and park visitation; increased potential for wildfire; and drought-related impacts to finances/operations.

Current and planned drought response measures vary by agency to include one or more of the following: new/improved storage, stabilization of water levels, securing new resources/facilities, outreach, increased irrigation/watering restrictions, plumbing/infrastructure improvements, monitoring and mitigation, and drought-related assistance.

### **Federal Agencies:**

Federal agencies reported drought impacts to wildlife, recreation, cultural resources, success and magnitude of restoration efforts, minerals, rangeland/livestock forage (including impacts to grazing allotments), loss of agricultural production, livestock herd reductions and tree health. Potential impacts reported include health and resiliency of timber stands due to insect/disease, as well as fire hazards.

Current and planned response measures vary by agency to include one or more of the following: education/outreach, monitoring/mitigation, financial assistance, conservation compliance and other efforts.

The Summary of Current and Planned Actions is provided in Appendix B. Individual response forms submitted by agency/respondent are available at [drought.nv.gov](http://drought.nv.gov).

### **STATEWIDE SITUATION REPORT:**

Between March and June 2015, the Nevada State Emergency Operations Center issued a monthly Statewide Drought Emergency Situation Report (Appendix C). Each report included a copy of the month's current U.S. Drought Monitor, which contained a listing of severity designations by county; information on emergency disaster programs; water level data; wildfire information; and other drought-related information and resources.

### **DROUGHT FORUM MEETINGS:**

The Nevada Drought Forum held a total of six meetings between June and November 2015. Meetings were open to public and noticed in accordance with Open Meeting Law. Meetings were also broadcast to multiple locations throughout the state to provide transparency and encourage public involvement in the Forum's discussion and deliberations.

As part of its July 17, 2015 meeting, the Forum invited sector representatives from gaming, hospitality, mining, development, energy, commercial, industrial, tourism, recreation and general business to share information on drought impacts to operations, drought mitigation efforts, and current or anticipated obstacles to doing business because of drought conditions. The Forum continued this discussion at its August 19, 2015 meeting as it considered information from agricultural producers, tribal nations, non-governmental organizations, and public and private water providers/water authorities.

Meeting agendas and minutes, including a summary from presenters at the July and August Forum meetings, are included in Appendix F. Letters, comments and other meeting materials are available by meeting date at [drought.nv.gov](http://drought.nv.gov).

### **GOVERNORS DROUGHT SUMMIT:**

Forum members attended and individually participated in the Governor's Drought Summit, September 21 – 23, 2015, at the Nevada State Legislative Building in Carson City. The Summit was opened by Governor Sandoval and included facilitated discussions involving more than 50 presenters, many of whom are national and state experts. The Summit also featured an evening at the Governor's Mansion that further advanced the valuable cross-sector discussions and idea sharing that occurred throughout the three days of meetings.

The Summit's panel discussions included such topics as defining and predicting drought; water history, law and past/current users; Nevada challenges; conservation success stories, which included participation by the media; water conservation communications/messaging; and a case study on regional water partnerships and solutions.

Participants were asked to share information on drought impacts, water conservation efforts, conservation barriers, and opportunities to improve conditions and/or Nevada drought resiliency moving forward. Members of the public were encouraged to submit questions and comments. Video recordings of the Summit are available at [drought.nv.gov](http://drought.nv.gov). The Summit program, together with comment cards submitted by attendees, is provided in Appendix D.

### **WESTERN GOVERNORS' ASSOCIATION DROUGHT FORUM FINAL REPORT:**

Forum members received and reviewed the Western Governors' Association (WGA) Drought Forum final report released in June 2015, an initiative of 2015 WGA Chairman, Governor Sandoval. The WGA Drought Forum was created under Governor Sandoval's leadership to provide a framework for states, industries and communities to share best practices and policy options for drought response. Key themes identified for future exploration of the WGA Drought Forum include data and analysis;

produced, reuse and brackish water; forest health and soil stewardship; water conservation and efficiency; infrastructure and investment; working within institutional frameworks to manage drought; and communication and collaboration.

The Forum discussed the report during its deliberations and agreed that most of the topics identified in the report generally correspond with many of the Forum’s recommendations, as well as Nevada’s challenges and opportunities. The WGA Report is provided in Appendix E.

The Forum listened to and considered numerous perspectives as part of its meeting process. Strong and sometimes conflicting views were presented on how to address the state’s water resource challenges. Within this continuum, the Forum agreed there existed both opportunity and common ground places where investments in time, coordination and funding could vastly improve Nevada’s overall drought response and resilience.

### **DROUGHT FORUM RECOMMENDATIONS:**

The Forum focused its attention on working to balance the needs of all water users, and the recommendations provided herein detail actions that the Forum believes can be taken now to bring about necessary and meaningful change. Governor Sandoval’s leadership in addressing drought for the benefit of the state and its residents, along with further consideration and implementation of the Forum’s recommendations, provide substantial and significant steps to help secure Nevada’s water future.

#### **1. WATER CONSERVATION**

Water conservation is an important tool to help water users manage demands and extend the use of available resources. In many cases, conservation can help to ease the impact of water supply shortages during drought and reduce needs for additional water supplies.

In 1991, the state enacted laws requiring municipal, industrial and domestic water suppliers to adopt water conservation plans based on the climate and living conditions of their service area. For public water systems, NRS 540.121 through 540.151 was added to specify content requirements of the plans and the process and timeframes to be followed. NRS 704.662 through 704.6624 was also added to establish conservation plan requirements for those utilities regulated by the Public Utilities Commission of Nevada.

The Forum reviewed existing statutes and agreed that additional provisions could be enacted to increase water efficiency, while still recognizing regional differences in climate and other factors. The Forum recommended changes to water conservation plan requirements that include new provisions for watering restrictions, metering, conservation water rate structures and water efficiency standards for new development. The Forum agreed that technical support should be provided to help water suppliers develop meaningful and actionable plans (see also “Financial and Technical Assistance”), and compliance with submission requirements should be enforced.

The Forum also discussed the need for additional water conservation actions among agricultural water users by encouraging agricultural producers to continue to pursue water saving technology and/or best



management practices. The Forum also agreed that metering all water uses in the state would be an appropriate next step. This action could significantly enhance overall water use efficiency among all water users and allow for better accounting of the state's limited water resources.

Nevada's appropriative rights system was another key conversation topic among the Forum and agricultural producers. Many producers discussed perceived risks associated with conservation, including potential loss of unused water saved as part of conservation efforts. Nevada water law is based on a "use it or lose it" doctrine (see also, "Nevada Water Law"), which requires users to demonstrate a beneficial use of water and restricts users from speculating in water rights or holding onto water rights that they do not intend to place for beneficial use in a timely manner. The Forum agreed that these provisions should be reviewed to promote conservation efforts among agricultural users and help resolve potential conflicts.

The Forum also discussed and recommended implementation of a policy directive addressing water efficiency within the power industry, and recommended strategies to improve conservation efforts within homeowner associations.

## **RECOMMENDATIONS**

- 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 address as part of their plan:
  - Meters on all connections
  - Water efficiency standards for new development
  - Tiered rate structures to promote water conservation
  - Time-of-day and day-of-week watering restrictions
- Ensure compliance with water conservation plan submittal requirements by amending the water conservation plans statute to provide enforcement capability for the State Engineer after attempts to achieve submittal compliance, including technical assistance, are unsuccessful.
- Clarify and strengthen the law to allow the State Engineer to require the installation of water meters for all water uses in the state, including domestic wells, unless such installation is deemed unnecessary by the State Engineer.
- Review potential changes and clarifications to the "use it or lose it" provisions in Nevada water law to increase opportunities for water conservation during drought and non-drought conditions.
- Encourage development and use of water saving technology and/or best management practices by agricultural and livestock producers (including, but not limited to, crop covering, drip irrigation, variable rate irrigation, center pivot irrigation, laser leveling and crop selection).
- Issue a state policy directive that requires all newly developed thermoelectric power plant projects, or all additions to existing thermoelectric facilities, to utilize dry cooling or other similar water efficient technology.
- Request local political subdivisions to explore implementation of water conservation measures

where Home Owner Association Covenants, Conditions and Restrictions (CC&Rs) are to the contrary.

## **2. NEVADA WATER LAW**

Nevada's first water law was passed in 1866 and has been amended many times since. The Office of the State Engineer was created in 1903 to protect existing water rights and to improve methods for utilizing the state's limited water resources. The State Engineer is responsible for administering and enforcing Nevada water law, which includes the appropriation of surface and groundwater in the state, and the adjudication of pre-statutory vested rights, dam safety and other duties.

Nevada water law is considered one of the most comprehensive water laws in the western United States. It is based on two basic principles: prior appropriation and beneficial use. Prior appropriation – also known as “first in time, first in right” – allows for the orderly use of the state's water resources by granting priority to senior water rights in times of shortage. This concept helps to ensure senior water users are protected, even as new uses for water are allocated.

The Forum's meetings and the Drought Summit generated significant discussion regarding Nevada water law, particularly in regards to the management of over appropriated basins; pumping impacts to senior groundwater right holders by junior pumpers; the relationship between groundwater pumping and surface water flows; adaptive management through monitoring, management and mitigation (“3M Plans”); and the nexus between Nevada's “use it or lose it” doctrine and water conservation needs (see also “Water Conservation”). Other conversations centered on place of use; management of supplemental water rights; terms of use for temporary rights; and the need for greater flexibility to manage resources during times of drought to help minimize impacts.

Forum members and participants generally agreed that current drought conditions have intensified the conversation, particularly in light of declining stream and groundwater levels, as well as dwindling storage reserves. These issues have the potential to create and/or exacerbate conflict, particularly in over appropriated basins. The time it takes to resolve conflicts through the courts is also a concern, especially since many fundamental water management principles are not clearly defined in statutes. The Drought Forum agreed that these issues need to be addressed, with an incremental approach to guard against unintended consequences.

To help ease drought-related impacts, the Forum recommended changes to Nevada water law that clarify and strengthen the State Engineer's authority related to water management tools such as 3M Plans, Critical Management Areas and Groundwater Management Plans. Members also agreed that in times of curtailment (when water supplies are reduced or restricted), access to water for indoor use by domestic well users should be preserved.

The Forum also discussed the topic of rainwater collection and use for domestic or wildlife needs. NRS 533.030 does not specifically address the permissibility of rainwater capture and use, but does limit the diversion and use of water in the state to those entities that have a granted water right. The Forum agreed that changes to law could be implemented to allow for the use of small-scale precipitation capture devices without significant impacts to state resources, although limitations must be defined to restrict the magnitude of these activities.

## RECOMMENDATIONS

- Continue refinement of Nevada water law to strengthen the State Engineer's ability to address Critical Management Areas and provide flexibility in the development of Groundwater Management Plans for over-appropriated basins.
- Clarify Nevada water law related to the State Engineer's inherent authority to provide for adaptive water management through implementation of 3M Plans.
- Clearly define fundamental water management principles in statute.
- Seek an addition to Nevada water law that clarifies that, in times of curtailment, only outdoor use by domestic well users may be prohibited.
- Explore changing water law to allow for the use of small scale precipitation capture devices in areas where capture increases the water supply and does not conflict with existing rights.

### 3. MONITORING AND RESEARCH DATA

Produced by the National Drought Mitigation Center, the U.S. Drought Monitor provides summary information on the location and intensity of drought conditions occurring across the United States and Puerto Rico. The map is updated weekly by combining data and local expert input. The Drought Monitor is produced by a rotating group from the U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration, and the National Drought Mitigation Center, incorporating the review from a group of 250 climatologists, extension agents and others across the nation.

Within Nevada, the Drought Monitor is used by state and federal agencies to establish policy and management tools and to assist local planning agencies and other water users with real-time information on hydrological conditions. While the Drought Monitor is a useful tool for reporting current hydrological conditions, participants at the Forum meetings and the Summit agreed that additional information and analysis is needed to improve decision-making efforts related to livestock grazing, as well as land and environmental resource management.

The Forum agreed that narrowing information gaps through additional data collection and monitoring could significantly improve coordination between various stakeholder groups throughout the state and allow for the development of more flexible resource management strategies. As such, the Forum recommended the formation of a working group to set monitoring and research goals, and to assess monitoring recommendations. The work group's efforts will complement and enhance the applicability, value and effectiveness of the U.S. Drought Monitor through the development of new tools to increase the accuracy and accessibility of data, and improve drought forecasting through technology. The Forum agreed these coordinated efforts may help to defray expenses on mutually beneficial projects, make better use of limited staffing resources, reduce duplication of efforts and enhance interagency/stakeholder coordination and cooperation.

The Forum recognized that enhanced forecasting and monitoring tools may also be of value to other western states that are experiencing significant drought conditions. To this end, members recommended that the U.S. Drought Monitor be expanded to include multiple indicators, including state impact reporting. They also supported the addition of another Drought Monitor author in the western states and other drought-related research.

## RECOMMENDATIONS

- Direct the formation of a working group of climate professionals 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:
  - Develop a statewide monitoring network that utilizes diverse information sources to strengthen Nevada information sharing and monitoring coordination as well as centralized availability of real-time data.
  - Partner among network organizations to increase and enhance the accuracy of data, in part, by establishing standards for data collection and reporting.
  - Work with other organizations (such as NIDIS – National Integrated Drought Information System) and/or explore implementation of new technologies to improve forecasting, early drought warning systems and seasonal forecasting.
- 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, including state impact reporting.
- Support development of research data related to the impacts of drought, including state tourism’s offer to include questions related to drought and visitation as part of its scheduled research efforts.

## 4. FINANCIAL AND TECHNICAL ASSISTANCE

Incentive and retrofit programs have had much success in certain parts of the state, and could serve as a model for other users. However, such programs often require significant levels of funding, a limiting factor that many stakeholders face. As such, the Forum recommended that state agencies identify high-priority funding programs (including incentive programs) and associated resource needs.

The Forum also agreed that additional staffing resources will likely be needed to implement recommendations for monitoring and enforcement, as well as to provide technical assistance to water users/suppliers. Likewise, members discussed the importance of individual water users to investigate independent funding options for drought relief and conservation efficiency, including existing grants, state revolving loan funds and/or other federal emergency assistance programs.

## RECOMMENDATIONS

- Direct appropriate state agencies to investigate and develop budget proposals that improve Nevada’s drought response and resiliency, including possible incentive and/or rebate programs.
- Establish adequate bond funding for the state’s Water Grants Program, under the purview of the Board for Financing Water Projects, for necessary capital improvements to aged water infrastructure above and beyond what a community can demonstrably afford.
- Enhance state water resources staffing capacity to support increased metering, monitoring/inventories and enforcement, as well as technical assistance in areas such as water conservation planning.

- Direct appropriate state agencies to identify and prioritize the resources needed to implement those recommendations of the Drought Forum selected by the Governor.

## **5. SUPPLY AUGMENTATION AND LONG RANGE PLANNING**

In addition to exploring ways to reduce water use and improve overall efficiency, the Forum also considered opportunities to augment existing water supplies and improve drought response efforts through long-range planning.

The Forum agreed that the recharge and recovery of drought affected water supplies – including river, storage and groundwater systems – is an important priority to improve Nevada’s resilience to future drought events and recommended exploring ways to enhance system recovery. While these efforts are unlikely to provide near-term drought relief due to time and financial constraints that would need to be addressed, the Forum agreed that additional steps should be taken to identify strategies that can be implemented to improve recovery of impacted systems, as well as enhance the state’s long-term resiliency.

Likewise, the Forum recommended that local governments work with water purveyors to develop long-range water plans that consider both water supply and demand projections. Such planning efforts are a valuable tool in anticipating future water resource needs, as well as identify needed management strategies for use during both drought and non-drought conditions.

The Forum also agreed that the reuse of treated waste water is a valuable resource that should be explored to augment existing water supplies. As such, the Forum recommended support for the state’s Water Reuse Steering Committee in exploring possible changes to reuse regulations, particularly in cases where implementation of reuse extends available water supplies. Likewise, the Forum also supported the continued monitoring of technology and other advancements that could potentially increase water supplies and/or reduce evaporative losses.

## **RECOMMENDATIONS**

- Ask appropriate staff to explore the feasibility of additional management measures that can help to expedite the recharge and recovery of impacted river, storage and groundwater systems.
- Require local government to work with private, municipal and other water purveyors to develop local/regional water plans that consider long-term supply and demand projections in order that collectively these plans represent the approach being taken as a state to address long-term supply and demand planning.
- Support the work of the state’s Water Reuse Steering Committee in exploring possible changes to water reuse regulations in cases where reuse extends supplies.
- Direct continued monitoring of advances, efficacy and cost efficiencies related to desalination of brackish water, cloud seeding and evaporative controls.

## **6. INFORMATION SHARING AND OUTREACH**

The Forum discussed the availability and use of information in decision-making processes, particularly as it relates to drought response (see also “Monitoring and Research Data”). Members agreed that additional outreach tools are needed and recommended ways to better inform the public and other decision-makers of current conditions, policy intent and other drought-related issues. Implementation of these recommendations is designed to provide for more flexibility and predictability in responding to Nevada’s water supply challenges, and to ensure a more consistent understanding among interested parties.

The Forum also agreed that communication with the public and other stakeholders should occur on an ongoing basis, regardless of the state’s drought status. To support this effort, the Forum recommended staff resources to support current and ongoing coordination, information sharing and outreach needs.

### **RECOMMENDATIONS**

- Work with federal partners on what climate information/data will trigger federal management actions, with the goal of enhancing predictability for asset managers and the development of a more flexible response in evolving drought conditions.
  - Identify high-level messages on drought conditions and responses that can be delivered statewide to ensure consistency of messaging to all Nevada water users by state agencies, water purveyors and other stakeholders.
  - Maintain a focus on water conservation messaging in Nevada even in non-drought conditions.
  - Explore opportunities for judicial education on water law, such as the New Mexico Water Judges Seminar.
- Establish dedicated state staff to handle public information coordination statewide, including outreach to elected and appointed officials, as well as education programs, web site maintenance and enhancement, and assistance with information on best practices and technology transfers.

## **7. DROUGHT DECLARATIONS/EMERGENCY ACTIONS**

The State Drought Response Plan, updated in April 2012, was developed to define and address drought in Nevada, and to help mitigate associated impacts. The plan established a framework of actions based on three stages of drought: Drought Watch (stage 1), Drought Alert (stage 2) and Drought Emergency (stage 3). A Drought Response Committee was also formed to monitor drought conditions, collect data associated with drought, oversee intergovernmental coordination, disseminate information, report to the Governor, and work with the State Emergency Operation Center on drought response.

Subsequent to this action, the U.S. Department of Agriculture issued a final ruling that updated its disaster regulation process for drought affected areas. The rule includes provisions for automatic disaster designations in the case of severe drought. It also removes the requirement for a State Governor to request a Secretarial disaster designation before a designation can be made. According to the rule, a drought disaster will be declared for any county that: 1) has a drought intensity value of at least D2 (Severe Drought) as reported in the U.S. Drought Monitor for eight consecutive weeks; or 2)

has a drought intensity value of D3 (Extreme Drought) or higher at any time in the growing season of the affected crops.

The Forum agreed that objective Nevada criteria are needed to define drought stages. Further, members agreed that the state's current Drought Response Plan should be updated to include definitions and other relevant drought response mitigation efforts resulting from the Forum's work. The Forum also recommended that the Committee review existing laws concerning water emergencies to ensure consistency.

As part of this discussion, the Forum recognized the diversity of the state's climate, water supply sources and users' overall ability to respond to drought. Members cautioned against implementing measures on a statewide basis unless conditions warranted such action and noted that emergency measures enacted should serve to preserve access to supplies. Users/suppliers that have made appropriate reductions or implemented other tools to ensure sufficient resources are available should not be penalized.

## RECOMMENDATIONS

- Currently, the State Drought Response Committee consists of the State Climatologist, State Engineer and the Chief of Nevada's Division of Emergency Management. The Forum recommends expanding this committee to include representatives from TMWA, SNWA and the Nevada Department of Agriculture and directing the newly expanded State Drought Response Committee to develop broad-based, objective Nevada criteria specifically for a Governor's Drought Declaration in lieu of a declaration based solely on a U.S. Department of Agriculture determination.
  - Require the Committee to further refine and define the Nevada criteria for Drought Warnings and Drought Alerts, and to clarify in the Drought Response Plan the distinctions between Drought Alerts, Drought Warnings and a Governor Drought Declaration, and a proclamation of water emergency as outlined in NRS 416.050.
  - Require the Committee to update the current Drought Response Plan in light of information gathered through the Drought Forum and Governor's Drought Summit.
  - Direct the Committee to explore the steps necessary for response measures such as a State Engineer's temporary suspension of forfeiture provisions or imposition of shared curtailment, as well as temporary suspension by state Environmental Protection of non-public health water quality standards.
  - Direct the Committee to also review, from a water perspective, NRS Chapter 416 *Emergencies Concerning Water or Energy*, to align the chapter with the Drought Response Plan, including possible amendment of NRS 416.060 to add the term "statutes" to "rescind any regulation or order" in narrowly defined water emergencies.