



# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

## Bureau of Water Quality Planning

### Proposed Changes to the Water Quality Standards – Federal Indian Reservations

#### Fact Sheet July 2013

##### Background

Under section 303 of the Clean Water Act (CWA), 40 CFR 131 and Nevada Revised Statutes (NRS) 445A.520, States have responsibility for setting, reviewing, and revising water quality standards. These water quality standards are not applicable to Federal Indian Reservations..

This fact sheet shows proposed changes to the Nevada Administrative Code (NAC) removing waterbodies or portions of waterbodies in the NAC pertaining to State Water Quality Standards on Federal Indian Reservations. During the 1970's, when Nevada was establishing its water quality standards, Nevada set standards on several Federal Indian Reservations. In 1983, the Federal government established a federal Indian policy to treat Tribal governments on a government-to-government basis, and to support the principle of self-determination and local decision making by Indian Tribes. Section 518(e) of Clean Water Act (CWA) was added as part of the 1987 Amendments. This section authorizes the United States Environmental Protection Agency (USEPA) to treat federally recognized Indian Tribes in a similar manner as states for certain provisions of the CWA, including the water quality standards program.

##### Summary of Changes to Water Quality Standards

The Nevada Division of Environmental Protection is proposing to make changes to the NACs to remove tribal lands from water quality standards.

##### **No changes to the water quality criteria are proposed.**

- NAC 445A.120 - The following language will be added to NAC 445A.120 – Applicability: “3. NAC 445A.11704 to 445A.2234, inclusive, do not apply to waters within the exterior borders of Federal Indian Reservations.”
- NAC 445A.1294 - Remove NAC 445A.1294 – Black Rock Region: Summit Lake because Summit Lake is entirely within the exterior borders of the Summit Lake Indian Reservation.
- NAC 445A.1296 - Amend the reach description in NAC 445A.1296 – Black Rock Region: Mahogany Creek to exclude the length of the creek within the exterior borders of the Summit Lake Indian Reservation.

- NAC 445A.1464 - Amend the reach description in NAC 445A.1464 – Humboldt Region: Humboldt River, South Fork and tributaries at Lee to exclude the lengths of the river and tributaries within the exterior borders of the South Fork Indian Reservation.
- NAC 445A.1466 - Amend the reach description in NAC 445A.1466 – Humboldt Region: Humboldt River, South Fork at the Humboldt River to exclude the lengths of the river within the exterior borders of the South Fork Indian Reservation.
- NAC 445A.1556 - Amend the reach description in NAC 445A.1556 – Humboldt Region: Reese Creek at Indian Creek to exclude the length of the creek within the exterior borders of the Yomba Indian Reservation. In addition, the name of NAC 445A.1556 will be changed from “Humboldt Region: Reese Creek at Indian Creek” to “Humboldt Region: Reese River at Indian Creek.”
- NAC 445A.1558 - Amend the reach description in NAC 445A.1558 – Humboldt Region: Reese River at State Route 722 to exclude the lengths of the river within the exterior borders of the Yomba Indian Reservation.
- NAC 445A.1694 - Amend the reach description in NAC 445A.1694 – Truckee Region: Truckee River at the Wadsworth Gage to exclude the portion of the river within the exterior borders of the Pyramid Lake Paiute Reservation. In addition, the name of NAC 445A.1694 will be changed from “Truckee Region: Truckee River at the Wadsworth Gage” to “Truckee Region: Truckee River at the Pyramid Lake Paiute Reservation.”
- NAC 445A.16965 - Remove NAC 445A.16965 – Truckee Region: Truckee River at Pyramid Lake because this length of the river is entirely within the exterior borders of the Pyramid Lake Paiute Reservation.
- NAC 445A.1804 - Amend the reach description in NAC 445A.1804 – Carson Region: Carson River, East Fork at U.S. Highway 395 south of Gardnerville to exclude the lengths of the river within the exterior borders of the Washoe Indian Reservation.
- NAC 445A.1806 - Amend the reach description in NAC 445A.1806 – Carson Region: Carson River, East Fork at Muller Lane will be amended to exclude the lengths of the river within the exterior borders of the Washoe Indian Reservation.
- NAC 445A.1812 - Amend the reach description in NAC 445A.1812 – Carson Region: Carson River at Cradlebaugh Bridge to exclude the length of the river within the exterior borders of the Washoe Indian Reservation.
- NAC 445A.1836 - Amend the reach description in NAC 445A.1836 – Carson Region: Clear Creek at the gaging station to exclude the length of the creek within the exterior borders of the Washoe Indian Reservation.
- NAC 445A.1838 - Amend the reach description in NAC 445A.1838 – Carson Region: Clear Creek at the Carson River to exclude the lengths of the creek within the exterior borders of the Washoe Indian Reservation.
- NAC 445A.1906 - Amend the reach description in NAC 445A.1906 – Walker Region: Walker River at the inlet to Weber Reservoir to exclude the portion of the river within the exterior borders of the Walker River Indian Reservation. In addition, the name of NAC 445A.1906 will be changed from “Walker Region: Walker River at the inlet to Weber Reservoir” to “Walker Region: Walker River at the Walker River Indian Reservation.”

- NAC 445A.1908 - Amend the reach description in NAC 445A.1908 – Walker Region: Walker River at Schurz Bridge to exclude the portion of the river within the exterior borders of the Walker River Indian Reservation. In addition, the name of NAC 445A.1908 will be changed from “Walker Region: Walker River at Schurz Bridge” to “Walker Region: Walker River at Walker Lake.”
- NAC 445A.1924 - Remove NAC 445A.1924 – Walker Region: Weber Reservoir because Weber Reservoir is entirely within exterior borders of the Walker River Indian Reservation.
- NAC 445A.2146 - Amend the reach description in NAC 445A.2146 – Colorado Region: Colorado River below Davis Dam to exclude the length of the river within the exterior borders of the Fort Mojave Indian Reservation.

The rationale document and the draft petition are available online at <http://ndep.nv.gov/admin/public.htm> under Water Quality Planning.

For questions, comments or additional information please contact:  
John Heggeness [(775) 687-9449] [jheggene@ndep.nv.gov](mailto:jheggene@ndep.nv.gov), or  
Zack Blumberg [(775) 687-9446] [zblumberg@ndep.nv.gov](mailto:zblumberg@ndep.nv.gov)  
Nevada Division of Environmental Protection  
Bureau of Water Quality Planning  
901 S. Stewart Street, Suite 4001  
Carson City, Nevada 89701  
FAX: (775) 687-9561