

## **MEMORANDUM OF AGREEMENT**

### **Nevada Lake Mead Water Quality Forum**

#### **I. GOALS**

The goal of this Memorandum of Agreement (MOA) is to initiate the Nevada Lake Mead Water Quality coordination Forum hereafter designated as the Forum. The purpose of the Forum is to support the protection of human health and the environment and to preserve and improve the water quality of the Las Vegas Wash, Las Vegas Bay and Lake Mead. To meet this goal, the signatories agree to cooperatively and openly:

- Identify issues regarding the water quality of the Las Vegas wash, Las Vegas Bay and the Nevada portions of Lake Mead and the public water supply from Lake Mead.
- Use the Forum to build consensus and share information.
- Coordinate study efforts, provide technical updates and disseminate information to the public.
- Serve as a clearinghouse on water quality issues and provide peer review.
- Enhance the public input process.
- Formulate further work study which may be necessary.

The signatories to this MOA intend that these objectives be achieved through a proactive and cooperative effort to identify and resolve water quality issues in Las Vegas Wash, Bay and Lake Mead and the public water supply from Lake Mead.

#### **II. PARTICIPATION AND REGULATORY RESPONSIBILITIES**

Signatories to this MOA recognize that each local, State (Nevada) and federal agency has statutory responsibilities which cannot be delegated. The Forum shall not supplant any regulatory authority related to water supply and water quality.

#### **III. APPROACH**

The signatories recognize that there are a number of complex issues regarding the water quality of the Lake, Wash and Bay many of which are interrelated. In the past, monitoring and investigations on water quality have been conducted independently and not coordinated among federal, state or local entities. Data has not been shared among the agencies, in some cases work activities have been duplicated and the data has not been made readily available to the public. The members recognize that these studies and investigations should be coordinated, to the extent possible, to ensure the application of sound science, that duplication of work activities does not occur, that taxpayer funds are used wisely and efficiently and that the full body of data is made available to the Forum members and to the public.

The signatories to this MOA agree to openly share information and data pertaining to the Las Vegas Wash, Las Vegas Bay and Lake Mead that has been collected or obtained with public funds and/or by public agencies (municipal, State and federal) with other Forum members and the public.

Data generated regarding water quality in the Las Vegas Wash, Las Vegas Bay and Lake Mead by Forum members shall be made available to the public upon request in accordance with applicable local, state and federal public records requirements. Unverified data or data not fully quality controlled or assured may be deemed provisional and made available marked as such or furnished at a later date after verification. Forum members agree, to the extent practicable, to present the results of investigations, studies and other water quality activities to the Forum prior to the general release or publication of the information.

#### IV. PURPOSE

The Forum shall identify the water quality problems associated with the Water Bodies and establish short-term and long-term goals and associated work output milestones to address those issues, estimate the resources necessary to further evaluate and study those problems and assist in securing those resources.

The Forum may decide from time to time to create subcommittees related to public outreach and technical matters. With majority concurrence of the signatories, such committees may be formed comprised of representatives designated by the participating members. The purpose and function of such committees shall be clearly defined, in writing, by the Forum.

The Forum shall meet at least once every ninety 90 days or more frequently at the discretion of the Forum members.

The minutes, decisions and findings of each meeting shall be documented and made available to each member, all attendees and interested members of the general public.

#### V. CONSISTENCY WITH APPLICABLE LAW

This MOA is subject to all applicable federal and state and local laws and nothing shall be construed to alter, amend or affect existing laws. During the term of this MOA, if any signatory does not concur with the role and function of the Forum they may terminate their participation in this MOA upon 30 days written notice to the other signatories. Termination by individual parties will not terminate this MOA, which will continue to apply with respect to the remaining parties.

#### VI. EFFECTIVE DATE, DURATION AND MODIFICATIONS

This MOA is effective upon date of execution by the signatories and, unless extended as provided in this section, will remain in effect for a period of five 5 years.

The signatories may amend or extend this MOA by mutual agreement if they believe it necessary and beneficial.

The bylaws of the Forum are attached to this MOA as attachment A and are agreed to by the signatories.

## VII. EQUAL OPPORTUNITY STATEMENT

The Lake Mead Water Quality Forum shall prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status.

## ATTACHMENT A

### BYLAWS OF THE LAKE MEAD WATER QUALITY FORUM

#### 1. Name

- 1.1 This organization shall be known as the Nevada Lake Mead Water Quality Forum or LMWQF or Forum and shall address issues of interest to the State of Nevada.
- 1.2 The address of the LMWQF shall be that of the Nevada Division of Environmental Protection: 333 West Nye Lane, Carson City, Nevada 89706-0851

#### 2. It shall be the goal of the LMWQF to:

- Identify issues regarding the water quality of the Las Vegas Wash, Bay and the Nevada portions of Lake Mead.
- Use the Forum to build consensus and share information
- Coordinate study efforts, provide technical updates and disseminate information to the public.
- Serve as a clearinghouse on water quality issues and provide peer review.
- Enhance the public input process.
- Formulate further work study which may be necessary.

#### 3. Members

- 3.1 Members of the LMWQF shall consist of federal, State (Nevada) and local governmental entities who have an interest in the water quality and beneficial uses of the Las Vegas Wash, Las Vegas Bay and Lake Mead and two members selected by the LMWQF citizen's advisory committee.
- 3.2 The Division of Environmental Protection shall maintain a current mailing list of all Forum members, alternates and other interested individuals including the public and special interest groups. Those on the mailing list shall be sent notice of Forum meetings at least (10) days prior to the meeting.
- 3.3 All members shall serve without compensation from the Forum. All expenses incidental to a member's involvement shall be borne by that member's agency. Expenses to public members shall be borne by those individuals.

3.4 Signatories to the MOA recognize that for those that have statutory responsibilities, they cannot be delegated. The Forum shall not supplant any regulatory authority related to water supply and water quality.

3.5 An alternate or proxy identified by a Forum member, may sit in place of and have full voting status for that member.

#### 4. Meetings

4.1 Meetings shall be held at least once every ninety 90 days or more frequently as agreed upon by the Forum membership.

4.2 Resolutions, recommendations or other actions by the Forum must be agreed upon by consensus. Consensus is reached when it becomes evident through deliberation that every member, at the very least, does not oppose an action or decision. In its deliberations, the Forum shall use appropriate tools for developing consensus, and shall seek to exhaust every reasonable and practicable effort to reach consensus.

4.3 Meetings shall be chaired by a representative of the Nevada Division of Environmental Protection and shall be held in the Las Vegas area. Meeting locations shall be rotated among the members of the Forum.

4.4 Forum members agree to participate in meaningful and civil discussions on issues and actions brought before the Forum. The members may sanction, in the form of removal from the meeting, any member of the Forum or the public who does not conduct themselves professionally or in the spirit of constructive dialog.

4.5 The Nevada Division of Environmental Protection has the responsibility for arranging for future meeting dates, time and location. The Division shall be responsible for notifying members of the meetings and for arranging for administrative support.

#### 5. Document Repository

5.1 A document repository consisting of the Memorandum of Agreement, Bylaws, meeting minutes, correspondence, investigations, data and other pertinent information shall be maintained at the offices of the Nevada Division of Environmental Protection at the Las Vegas office located at 1771 East Flamingo Road Las Vegas, Nevada 89119-0837 and at the Carson City office located at 333 West Nye Lane, Carson City, Nevada 89706-0851. Documents residing within these repositories shall be available to the public during normal business hours in accordance with Nevada public records laws.

#### 6. Public input

6.1 The Forum shall utilize a Citizen Advisory Committee to provide a voice for interest groups, business, industry and the general public. It is the responsibility of the Citizen Advisory Committee to select two members to sit as members of the Forum.

6.2 A major function of the Forum is to solicit and receive input, written and oral, from the public. Each meeting must include an opportunity for public input and discussion. The public must also be allowed to provide input to specific issues and actions discussed or enacted by the Forum.

7. Termination

7.1 A Forum member may terminate their participation in the LMWQF by informing the remaining members of the Forum in writing. Termination shall be effective 30 days from the date of the notice.

8. Amendments

8.1 These bylaws may be amended, supplemented or repealed by consensus of the Forum.

9. Additional Members

9.1 The Forum may appoint additional members if and when the need arises as agreed by consensus.

VIII. SIGNATORIES

**Colorado River Commission**

Forum member James H. Davenport  
Signature Date 3/22/04

James H. Davenport  
Print name Title Chief, Water Division

Alternate McClain Peterson  
Signature Date

McClain Peterson Natural  
Print name Title Resource Analyst

**State of Nevada**

Colorado River Commission  
Nevada Division of Environmental Protection  
Nevada Division of Health  
Nevada Department of Wildlife  
University of Nevada

**Clark County**

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**Southern Nevada Water Authority**

Southern Nevada Water Authority

**United States of America**

United States Environmental Protection Agency  
United States Fish & Wildlife Service  
United States Geological Survey  
National Park Service  
United States Natural Resources Conservation Service  
United States Bureau of Reclamation

**Citizen Advisory Committee Members**

Citizen member  
Citizen member

**Clean Water Coalition**

Clean Water Coalition

VIII. SIGNATORIES

**Nevada Division of Environmental Protection**

Forum member     *T-Porta*         3/16/04         Tom Porta, Bureau Chief      
Signature Date Print name Title

Alternate \_\_\_\_\_  
Signature Date Print name Title

**State of Nevada**

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Nevada Department of Wildlife  
University of Nevada

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Citizen member  
Citizen member

**Clean Water Coalition**

Clean Water Coalition

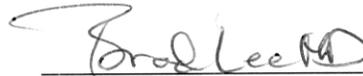
VIII. SIGNATORIES

**Nevada Division of Health**

Forum member

  
Signature

3-19-04  
Date

  
Print name

Title

Alex  
State  
Health  
Officer

Alternate

  
Signature

3-23-04  
Date

Alex HARTZ  
Print name

Title

Deputy Administrator  
HEALTH DIVISION  
STATE OF NEVADA

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Citizen member  
Citizen member

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**Nevada Department of Wildlife**

Forum member Gene Weller 3/30/04  
Signature Date

Gene Weller Deputy  
Print name Title

Alternate Jon C. Sjoberg 3/25/2004  
Signature Date

Jon C. Sjoberg, Biologist IV  
Print name Title

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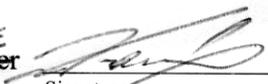
Citizen member  
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**University of Nevada System**

~~ALTERNATE~~  
~~Forum member~~  4/12/04  
Signature Date

LAMBIS PAPELIS ASSOC. RES. PROF. DRZ  
Print name Title  
DIRECTOR, WRM, UNLV

Forum Member  
~~Alternate~~  4/12/04  
Signature Date

Michael Young Deputy Director  
Print name Title  
Div. Hydrologic Sci

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*Clark County Air Quality Department of Environmental Management*

Forum member  10-26-04 Carrie Stowers  
Signature Date Print name Title  
Principal Planner

Alternate   ROB MRZUKA  
Signature Date Print name Title  
PLANNING MANAGER

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**Clark County Health District**

Forum member   
Signature Date 3/30/04

Edmund J. Wojcik, P.E., Environmental  
Print name Title Health Engineer/  
Manager

Alternate   
Signature Date 03/30/04

Walter B. Ross, P.E., Environmental  
Print name Title Health Engineer/  
Supervisor

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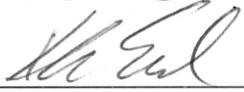
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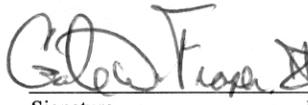
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**Clark County Regional Flood Control District**

Forum member  KEVIN EUBANKS ASST GEN MGR.  
Signature Date Print name Title

Alternate  3/26/04 GALE FRASER, General Manager  
Signature Date Print name Title

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**Clark County Water Reclamation District**

Forum member Douglas D. Drury  
Signature Date

Douglas Drury Deputy GM  
Print name Title

Alternate [Signature] 4/9/09  
Signature Date

William Shepherd  
David Pautsen Compliance & Regulatory Affairs  
Print name Title Administrator

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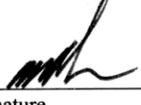
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**City of Henderson**

Forum member

Signature

 3/23/2004

Date

Mike Neher

Print name

ESD Manager

Title

Alternate

Signature

 3/25/04

Date

KURT SEGLER

Print name

DIRECTOR

Title

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**City of Las Vegas**

Forum member  3/25 Richard Beebe 3/25  
Signature Date Print name Title

Alternate  3/22/04 DAVID L. MENDENHALL ENVIRONMENTAL MANAGER  
Signature Date Print name Title

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**City of North Las Vegas**

Forum member   
Signature Date

Kirk Medina Utility Operations Mgr.  
Print name Title

Alternate   
Signature Date

Leslie Long Technical Services Manager  
Print name Title

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**Southern Nevada Water Authority**

Forum member *[Signature]* 7/12/04  
Signature Date

KEN ALBRIGHT Director, SNWA Resources  
Print name Title Dept.

Alternate *[Signature]* 4.12.04  
Signature Date

Kim Zikmund Manager,  
Print name Title Watershed Division

**State of Nevada**

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VIII. SIGNATORIES

***United States Environmental Protection Agency***

Forum member \_\_\_\_\_  
Signature Date Print name Title

Alternate \_\_\_\_\_  
Signature Date Print name Title

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VIII. SIGNATORIES

**United States Fish & Wildlife Service**

Forum member Cynthia T. Martinez 4-12-04 Cynthia Martinez Asst. Field Supervisor  
Signature Date Print name Title

Alternate Erik L. Orsalc 4-13-04 Erik L. Orsalc Wildlife Biologist  
Signature Date Print name Title

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**United States Geological Survey**

Forum member \_\_\_\_\_  
Signature Date Print name Title

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Signature Date Print name Title

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**United States of America**

United States Environmental Protection Agency  
United States Fish & Wildlife Service  
United States Geological Survey  
National Park Service  
United States Natural Resources Conservation Service  
United States Bureau of Reclamation

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Citizen member  
Citizen member

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VIII. SIGNATORIES

**National Park Service**

Forum member Gary W. Warski 4/14/04 William K. Dickinson  
Signature Date for Print name Title  
Superintendent

Alternate Gary W. Warski 4/14/04 Gary W. Warski  
Signature Date Print name Title  
Deputy Superintendent

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VIII. SIGNATORIES

**United States Natural Resources Conservation Service**

Forum member Douglas Merckler 3-29-04 Douglas Merckler Mr.  
Signature Date Print name Title

Alternate Jarrod Edmunds 3-29-04 JARROD EDMUNDS Mr.  
Signature Date Print name Title

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# **United States Bureau of Reclamation**

Forum member *Deanna J. Miller* 9-27-04 Deanna J. Miller, Office Director  
Signature Date Print name Title

Alternate *Becky J. Blasius* 9-23-04 Becky Blasius, Biologist  
Signature Date Print name Title

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VIII. SIGNATORIES

**Clean Water Coalition**

Forum member D.W. Kurl 3/23/04 DOUGLAS W. KARAFIA  
 Signature Date Print name Title  
 CWC PROGRAM ADMINISTRATOR

Alternate Jennifer Rippling 3/23/04 Jennifer Rippling  
 Signature Date Print name Title  
 CWC Administrative Assistant

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Alternate \_\_\_\_\_  
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