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ENVIRONMENTAL PROTECTION

Subject: EPA's Action to add to Nevada's 2014 list of waters requiring a total maximum Daily load (TMDL)

To

Mr. David Guiliano  
US Environmental  
Protection Agency  
75 Hawthorne St.  
WTR-2-1  
San Francisco, CA  
94105

Dear Mr. Guiliano:

These comments are on behalf of the 100+ members of the Elko County Association of Realtors. We live and work in the area where these proposed actions impact us and we hope you will seriously consider our comments.

**First point:** The EPA has no authority over waters that are not navigable or tributaries thereto. The Humboldt River System is not navigable and historical records document that it never has been. The river starts in Nevada and ends in Nevada. The Commerce Clause of the Constitution of the United States was added to insure that a state could not restrict commerce on a water course that crossed state borders. We find no other laws that would give the EPA authority over waters in our State that are not navigable.

**Second point:** Nevada has a Division of Environmental Protection that has the authority over state waters, the waters of the South Fork of the Humboldt River and the Little Humboldt River. If they have not determined that mercury is an issue, then that is our state's right and not the right of the federal government.

If you disagree with our comments in this regard, please provide the documentation that gives the EPA authority over waters of the Humboldt River system.

Sincerely,



Theresa Meyer, President  
Elko County Assn. of Realtor's  
557 W. Silver Street, Ste. 201A  
Elko, Nevada 89801

cc:

Elko County Commissioners  
John Heggeness, NDEP  
Governor Brian Sandoval  
John Ellison, Assemblyman  
Senator Pete Goicoechea  
Congressman Mark Amoedi  
Senator Dean Heller

Elko County Association of Realtors®

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