

Humboldt River Basin Water Authority
c/o Intertech Services Corporation
P.O. Box 2008
Carson City, Nevada 89702

Elko County
Eureka County
Humboldt County
Lander County
Pershing County

November 24, 2015

Mr. John Heggeness
Nevada Division of Environmental Protection
Bureau of Water Quality Planning
901 S. Stewart Street
Carson City, Nevada 89701

RE: Comments to the Draft Nevada 2014 Water Quality Integrated Report

Dear Mr. Heggeness:

On behalf of the Humboldt River Basin Water Authority (HRBWA), I am pleased to submit these comments to the Draft Nevada 2014 Water Quality Integrated Report. First, let me note that HRBWA endorses comments contained in the January 29, 2014 Nevada Mining Association letter to NDEP providing comments to the Draft 2012 Integrated Report. HRBWA is concerned that NDEP continues to inappropriately include numerous waters that do not meet the criteria for Clean Water Act ("CWA") jurisdiction in its reporting to the Environmental Protection Agency (EPA) required by CWA sections 305 and 303(d). HRBWA is further concerned that NDEP's continued inclusion of waters which have not been formally determined to be jurisdictional waters by the Corps of Engineers remains an inappropriate policy decision with the potential for adverse unanticipated consequences for Nevada and her taxpayers, local governments, land owners, land users and industries.

In comments submitted to NDEP regarding previous years' Integrated Reports, the HRBWA has expressed concern with the extent to which determinations of impaired waters fully consider whether water quality data is collected during extreme events. NDEP's specific water quality standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of extreme high or low flow. Water quality data considered by NDEP in preparation of the Draft 2014 Integrated Report were obtained during the most intensive drought experienced by Nevada in the past 100 years.

It is noted that, NAC 445.121(8) indicates that the specified standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of extreme high or low flow values as developed by USGS. Data from extreme high and low flow events are to be excluded from the data set used to determine listing. Yet there is no indication in the Draft Nevada 2014 Integrated Report that any water quality data were excluded from the data set used by NDEP to determine listing.

Specifically, the Authority is concerned that the following waterbodies may have been inappropriately added to the proposed 2014 303(d) list because of water temperature.

N. Fork of Humboldt River (Natl. Forest Boundary to Beaver Creek)	
N. Fork of Humboldt River (Confluence with Beaver Creek to Humboldt River)	
Little Humboldt River	Reese Creek
Little Susie Creek	Tenmile Creek
Little Sawmill Creek	Goosey Lake Creek
Mary's River	

HRBWA notes that 10 waters within the Humboldt River Basin are proposed for delisting in the Draft Nevada 2014 Integrated Water Quality Report. However, none of these waters are proposed for delisting because they now meet temperature standards. Temperature continues to be the Achilles heel of an already egregious NDEP impaired waters reporting process. HRBWA appreciates the fact that NDEP agrees that its temperature standards warrant reconsideration and that said analysis is now underway. However, given that full reconsideration of Nevada's temperature standards is expected to take another year or two, HRBWA suggests that no water body be included as newly listed in the Nevada 2014 Integrated Report or future reports as not meeting the temperature standard until such time as the ongoing drought ends and the reconsideration of the appropriateness of Nevada's temperature standards is fully reconsidered.

Your consideration of these comments is greatly appreciated.

Sincerely,



Mike L. Baughman, PhD, CEcD.
Executive Director

Cc: Board Members and Alternates, Humboldt River Basin Water Authority