



# Nevada Association of Counties

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January 9th, 2023

Dave Simpson  
Nevada Division of Environmental Protection  
Bureau of Water Quality Planning  
901 S. Stewart St., Suite 4001  
Carson City, NV 89701

Via email: [dsimpson@ndep.nv.gov](mailto:dsimpson@ndep.nv.gov)

**RE: Nevada Association of Counties Comments to Proposed Regulations LCB File Number R113-22**

Dear Mr. Simpson:

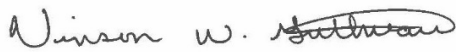
The Nevada Association of Counties ("NACO") appreciates the opportunity to provide comment on The Legislative Council Bureau's Draft of Proposed Regulation R113-22 regarding the nomination process for ecological and aesthetic waters (EAWs) and the related antidegradation program. NACO always supports robust local government and stakeholder involvement in the promulgation of new regulations. We appreciate the Nevada Division of Environmental Protection's (NDEP) efforts in conducting public workshops, technical sessions, and in making thoughtful revisions to this proposed regulation based off the substantive local stakeholder feedback received.

NACO, along with many other varied local stakeholders, support protecting Nevada's waterways for multiple uses, and maintaining a high level of water quality across the state's most important water bodies. We also strongly support the protection of landowner and stakeholder rights to use their property and resources in a way that is consistent with ecological stewardship AND economic benefits. In order for these sometimes-competing concerns to all be upheld, it is of critical importance that the nomination of an EAW require that the nominating entity provide substantive data demonstrating the nominated water body's extraordinary characteristics, and its need for special antidegradation protections. We support the language in Section 2.3 of the proposed regulation establishing the requirements for an EAW petition, and the parameters by which the State Environmental Commission (SEC) will make EAW determinations. We also strongly support the language in Section 2.3(7-8) requiring the nominating entity to detail social and

economic benefits and impacts of the nominated EAW classification, as well provide evidence of the nominator's local community and stakeholder outreach. NACO believes it is of critical importance to have local government and landowner input regarding current and future water rights and uses, including those on adjacent waters, during the EAW nomination and SEC decision making processes.

We would again like to thank NDEP for their thoughtful work and broad stakeholder engagement on the proposed regulations for EAWs and Antidegradation. We are supportive of the July 26, 2022 version of LCB File Number R113-32 as written and amended to-date. We would also like to thank NDEP for consideration of our comments and look forward to continued involvement in EAW rulemaking and antidegradation program implementation.

Respectfully,



Vinson Guthreau  
Executive Director

CC Greg Lovato, Administrator, NDEP  
Paul Comba, Bureau Chief, Water Quality Planning  
Tom Porta, Chairman, State Environmental Commission

