



Nevada Farm Bureau Federation

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

Re: LCB Draft Proposed Regulations R119-20

We are submitting these comments in order to register the Nevada Farm Bureau Federation's input for changes to the Legislative Council Bureau (LCB) Draft Proposed Regulations R 119-20.

After participating in the recent round of workshop meetings we came away with the perspective that making any changes in the current regulation process were unnecessary and would likely result in more staff work than is affordable or necessary. There weren't sufficient reasons provided to make any changes in the regulatory oversight system currently used.

Our primary concern deals with the classification of a surface water or segment of a surface water as a "water of extraordinary ecological, aesthetic or recreational value." We understand that this process can come in the form of a nomination directly to the Nevada Environmental Commission or working through the Nevada Division of Environmental Protection (NDEP) to bring forward the nomination to the Commission.

Subsection 3 of Section 2 (spelled out on page 4 and 5 of the LCB Draft) identifies the details that apply for what information needs to be gathered when a person works with the "Department."

We don't believe that there is adequate requirements for the information on the nomination to include existing land use descriptions for the area adjacent to the nominated surface water or the segment of a surface water. This requirement should also covered in the description of the watershed inventory that is outlined in (5).

In (6) there is a requirement detailing the compatibility of the classification with any preexisting or preauthorized land used activities. Included in this "compatibility" discussion there are "historic irrigation practices and agricultural activities in the watershed." We believe that there should also be specific inclusion of livestock grazing along with the other two named activities and beyond all of these activities occurring in the watershed they should also be identified if any or all are land uses adjacent to the nominated surface water or the segment of the surface water.

It would be best to include in the regulation, if the intentions are to move forward with adoption of a change in the existing regulations, that *any land use which could be impacted by a designation of an Ecological Waters of Significance (EAW) should result with the proposal for an EAW designation to be disqualified as being incompatible.*

On the top of page 6, subsection 4 (a) identifies that the information required by a person who files a petition directly with the Commission must include the information “set forth in paragraph (a) of subsection 3. This implies that the person would need to work with the “Department” to gather the specified information for the support of the nomination. Does this require that whether the person will be required to submit all of the same information that is spelled out for subsection 3 a (1) through (9)? We want it to be clear that it would be equivalent regardless of whether a person is working with the Department or going directly to the Commission. At the bottom of page 6 there a provision which states...

“6. The classification of a surface water or segment of a surface water as a water of extraordinary ecological, aesthetic or recreational value does not:”

This bullet point covers (a) through (d) and includes items such as not affecting rules, regulations or orders of the State Engineer; prohibiting or impairing water rights; and/or, prohibiting or altering permits that are related to management and maintenance of structures and devices in and on the water.

We believe that this same recognition of existing land uses should be applied to this section. Specifically, classification of a surface water or segment of a surface water as a water of ***“extraordinary ecological, aesthetic or recreational value does not:”*** *(e) allow for restrictions or changes to existing land uses adjacent to the proposed designation or impact private property rights or land use permits associated with the federally-managed lands that are adjacent to the surface water or segment of a surface water.*

Thank you for your consideration of our comments. We look forward to the changes we’ve requested to be made, if the plan is for this unnecessary proposed package of regulations are to be advanced.

Sincerely,



Doug Busselman, Executive Vice President
Nevada Farm Bureau Federation