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November 21, 2022

Mr. Greg Lovato
Administrator, Nevada Division of Environmental Protection
901 S. Stewart Street
Carson City, Nevada 89701

ENVIRONMENTAL PROTECTION

Subject: NDEP's Proposed Ecological and Aesthetic Waters (EAWs) and Antidegradation Regulations

Dear Mr. Lovato:

On behalf of the undersigned, this letter is to express our support of the July 26, 2022 version of LCB File number R113-32 regarding Ecological and Aesthetic Waters (EAWs) and changes to Nevada's antidegradation requirements.

Almost three years ago, the Division began a dialog with stakeholders on the protection of waters with superior attributes and the way discharges are evaluated during renewal and/or major permit modification. Throughout the intervening years the agency, through the Bureau of Water Quality Planning, has carefully considered the comments and input of all parties. In fact, the public processes the Bureau has undertaken have been exceptional, from informal meetings, to workshops, table-top exercises, and even an unprecedented scoping session with the Nevada State Environmental Commission. This has culminated in the proposed regulations we have today, a package that we can generally support

The undersigned all agree that certain waters in Nevada deserve extraordinary protections. While, as pointed out by NDEP in the August 21, 2022 workshop, the agency has the authority under current regulations to protect extraordinary waters (Lake Tahoe is one), we have been supportive of the EAW concept from the outset. Our overriding concern has been that with extraordinary protection, the public and decision makers (the Division, the State Environmental Commission, and the Legislative Commission) must have exceptional information available to them to understand the implications an EAW designation may have on existing and future public and private land uses, adjacent water quality, and water resources. We have worked hard with the Bureau to ensure that the EAW petition process provides the necessary public outreach and information to make objective and informed decisions.

While there have been disagreements, the parties on all sides of this issue have worked in a spirit of collegiality and professionalism. We understand some stakeholders are continuing to express concern with aspects of the regulation and have requested additional time to vet the regulatory language. All of the undersigned stand ready to open a dialog with those individuals and entities to find areas of agreement.

We stand ready to open to those conversations and, once again, we appreciate the public process NDEP has undertaken with the proposed regulations.

Sincerely,



Doug Bussleman
Executive Vice President
Nevada Farm Bureau



John Enloe
Director of Natural Resources
Truckee Meadows Water Authority



Jeff Fontaine
Executive Director
Humboldt River Basin Water Authority
Central Nevada Water Authority



Tyre Gray
President
Nevada Mining Association

cc: Jim Lawrence, Acting Director, Department of Conservation and Natural Resources
Paul Comba, Bureau Chief, Water Quality Planning
Tom Porta, Chairman, State Environmental Commission