



September 06, 2022

Submitted electronically via email

Dave Simpson, Supervisor
Bureau of Water Quality Planning
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Dear Mr. Simpson,

Trout Unlimited deeply supports the NDEP promulgation of Ecological and Aesthetic Water (EAW) rules. We appreciate the ongoing efforts NDEP has taken to include interested parties in crafting regulations that allow all Nevadans to nominate waters for this special protection status.

Trout Unlimited has been acutely involved in this process for over two years with a dedicated group of NGOs and NDEP staff. The workshop that was held on August 31, 2022, has informed this comment letter that we hope assists the NDEP with producing a rule and guidance that assists nominators and the SEC with making quality decisions.

We respectfully provide these considerations that were discussed during the workshop and hope these minor modifications can provide a path forward that works for all interested parties.

Section 2

3. A petition filed with the Commission pursuant to subsection 2 must include, without limitation:

- (a) The name of the surface water;**
- (b) A map of the location of the surface water or segment thereof which includes, without limitation, the upstream and downstream boundaries;**
- (c) A written statement setting forth the reason for the nomination, which must include, without limitation, specific references to the attributes set forth in subsection 1 that support the classification of a surface water or segment of a surface water as a water of extraordinary ecological, aesthetic or recreational value;**
- (d) Adequate and representative water chemistry data that supports the nomination and demonstrates that the water quality is significantly better quality than the applicable standards of water**

quality or the existence of another attribute set forth in subsection 1 of the surface water;

(e) A written explanation of the reasons why the surface water or segment of the surface water requires the higher level of protection afforded to a water of extraordinary ecological, aesthetic or recreational value;

New (f) from act of moving (f) though (h) to new 4.

(f) (was i) Evidence of any public outreach and communication efforts within the local community near the surface water or segment thereof conducted by the person submitting the petition, which may include, without limitation, letters or statements from stakeholders, landowners or federal, state or local governmental agencies.

Section 2 3. f - h could be separated into a new 4. a – c that would be prefaced as

Additional Petition Information that may be included without limitation.

(a) **was (f)** A demonstration that the provisions of title 48 of NRS will not be affected by the classification, which may include, without limitation, a list of any existing and pending permitted water withdrawals and discharges from the surface water or segment of the surface water within the upstream and downstream boundaries and any future uses of the surface water or segment thereof described in local, regional and state water planning and management plans;

(b) **was (g)** A demonstration of the compatibility of the classification with any:

(1) Preexisting or preauthorized land use activities on lands adjacent to the surface water or segment thereof, which **may** include, without limitation, historical irrigation practices, livestock grazing and any other agricultural activities; and

(2) Authorized or pending discharges from a point source into or upgradient from the surface water or segment thereof;

(c) **was (h)** A summary of the social and economic benefits and impacts associated with the classification to the local community and surrounding land users;

The NDEP could include a guidance document that can provide petitioners with sources and links to find information and general guidance on submitting a successful petition.

Generally, allowing flexibility in what is required for a petition while including guidance to assist the public with utilizing this tool would improve the process and we appreciate your consideration.

Thank you for the opportunity to provide input in this process.

Respectfully,

Pam Harrington

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