ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R130-12

Effective December 20, 2012

EXPLANATION – Matter in ***italics*** is new; matter in brackets **[**~~omitted material~~**]** is material to be omitted.

AUTHORITY: §§1-3, NRS 445A.425 and 445A.520.

A REGULATION relating to water quality; establishing certain water quality standards for North Antelope Creek; and providing other matters properly relating thereto.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

The limits of this table apply to the body of water known as North Antelope Creek from its origin to its confluence with Antelope Creek. This segment of North Antelope Creek is located in Elko County.

STANDARDS OF WATER QUALITY

North Antelope Creek

PARAMETER	*REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY*	*WATER QUALITY STANDARDS FOR BENEFICIAL USES*	*Beneficial Use*[a]										
			Livestock	*Irrigation*	*Aquatic*	*Contact*	*Noncontact*	*Municipal*	*Industrial*	*Wildlife*	*Aesthetic*	*Enhance*	*Marsh*
Beneficial Uses			*X*		*X*	*X*	*X*		*X*	*X*			
Aquatic Life Species of Concern													

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY STANDARDS FOR BENEFICIAL USES	Beneficial Use[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Temperature - °C		S.V. ≤ 34.0			*	X							
pH - SU		S.V. 6.5 - 9.0	X		*	*			X	*			
Dissolved Oxygen - mg/l		S.V. ≥ 5.0	X		*	X	X			X			
Total Phosphorus (as P) - mg/l		S.V. ≤ 0.1 [b]			*	*	X						
Nitrogen Species (as N) - mg/l		Nitrate[b] Nitrite[b] Total Nitrogen[b]	X X		* * *	 X	 X			X X X			
Total Ammonia (as N) - mg/l		[c]			*								
Total Dissolved Solids - mg/l		S.V. ≤ 3000	*										
Chlorides - mg/l		1-hr. Avg. ≤ 860[d] 96-hr. Avg. ≤ 230	X		*					X			
Suspended Solids - mg/l		S.V. ≤ 80			*								
Turbidity - NTU		S.V. ≤ 50			*								
E. coli - No./100 ml		A.G.M. ≤ 126 S.V. ≤ 576				*	X						
Fecal Coliform - No./100 ml		S.V. ≤ 1,000	X				X			*			

** = The most restrictive beneficial use.*

X = Beneficial use.

[a] *Refer to NAC 445A.122 and 445A.1432 for beneficial use terminology.*

[b] *The water must not contain nutrient concentrations from a source other than a natural source which cause the growth of algae or aquatic plants in amounts that interfere with any beneficial uses of the water.*

[c] *The ambient water quality criteria for ammonia are specified in NAC 445A.118.*

[d] *One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.*

Sec. 2. NAC 445A.1432 is hereby amended to read as follows:

445A.1432 The designated beneficial uses for select bodies of water within the Humboldt Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Humboldt River near Osino	From the upstream source of the main stem to Osino.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1436
Humboldt River at Palisade	From Osino to the Palisade Gage.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1438
Humboldt River at Battle Mountain	From the Palisade Gage to the Battle Mountain Gage.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1442
Humboldt River at State Highway 789	From the Battle Mountain Gage to where State Highway 789 crosses the Humboldt River.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1444
Humboldt River at Imlay	From the Comus Gage to Imlay.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1446
Humboldt River at Woolsey	From Imlay to Woolsey.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1448
Humboldt River at Rodgers Dam	From Woolsey to Rodgers Dam.	X	X	X	X	X	X	X	X					NAC 445A.1452
Humboldt River at the Humboldt Sink	From Rodgers Dam to the Humboldt Sink.	X	X	X	X	X		X	X					NAC 445A.1454
The Humboldt Sink	The entire sink.	X	X	X		X		X	X					NAC 445A.1455
Humboldt River, North Fork and tributaries at the national forest boundary	From their origin in the Independence Mountain Range to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1456
Humboldt River, North Fork at Beaver Creek	From the national forest boundary to its confluence with Beaver Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1458
Humboldt River, North Fork at the Humboldt River	From its confluence with Beaver Creek to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1462

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Humboldt River, South Fork and tributaries at Lee	From their origin to Lee.	X	X	X	X	X	X		X					NAC 445A.1464
Humboldt River, South Fork at the Humboldt River	From Lee to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1466
Little Humboldt River	The entire length.	X	X	X	X	X	X	X	X					NAC 445A.1468
Little Humboldt River, North Fork at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1472
Little Humboldt River, North Fork at the South Fork of the Little Humboldt River	From the national forest boundary to its confluence with the South Fork of the Little Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1474
Little Humboldt River, South Fork at the Elko-Humboldt county line	From its origin to the Elko-Humboldt county line.	X	X	X	X	X	X		X					NAC 445A.1476
Little Humboldt River, South Fork at the North Fork of the Little Humboldt River	From the Elko-Humboldt county line to its confluence with the North Fork of the Little Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1478
Mary's River, upper	From its origin to the point where the river crosses the east line of T. 42 N., R. 59 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1482
Mary's River at the Humboldt River	From the east line of T. 42 N., R. 59 E., M.D.B. & M., to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1484
Tabor Creek	From its origin to the east line of T. 40 N., R. 60 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1486
Maggie Creek Tributaries	From their origin to the point where they become Maggie Creek or the point of their confluence with Maggie Creek.	X	X	X	X	X	X		X					NAC 445A.1488
Maggie Creek at Jack Creek	From where it is formed by the Maggie Creek tributaries to its confluence with Jack Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1492
Maggie Creek at Soap Creek	From its confluence with Jack Creek to its confluence with Soap Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1494
Maggie Creek at the Humboldt River	From its confluence with Soap Creek to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1496
Secret Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1498

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Secret Creek at the Humboldt River	From the national forest boundary to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1502
Lamoille Creek at the gaging station	From its origin to gaging station number 10-316500, located in the NE 1/4 of section 6, T. 32 N., R. 58 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1504
Lamoille Creek at the Humboldt River	From gaging station number 10-316500, located in the NE 1/4 of section 6, T. 32 N., R. 58 E., M.D.B. & M., to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1506
J.D. Ponds	The entire area.	X	X	X	X	X	X	X	X					NAC 445A.1508
Denay Creek at Tonkin Reservoir	From its origin to Tonkin Reservoir.	X	X	X	X	X	X		X					NAC 445A.1512
Tonkin Reservoir	The entire reservoir.	X	X	X	X	X	X		X					NAC 445A.1514
Denay Creek below Tonkin Reservoir	Below Tonkin Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1516
Rock Creek at Squaw Valley Ranch	From its origin to Squaw Valley Ranch.	X	X	X	X	X	X		X					NAC 445A.1518
Rock Creek below Squaw Valley Ranch	Below Squaw Valley Ranch.	X	X	X	X	X	X	X	X					NAC 445A.1522
Willow Creek at Willow Creek Reservoir	From its origin to Willow Creek Reservoir.	X	X	X	X	X	X		X					NAC 445A.1524
Willow Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1526
North Antelope Creek	***From its origin to its confluence with Antelope Creek.***	***X***		***X***	***X***	***X***		***X***	***X***					***section 1 of this regulation***
Pole Creek	From its origin to the point of diversion of the Golconda water supply, near the north line of section 13, T. 35 N., R. 39 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1528
Water Canyon Creek	From its origin to the point of diversion of the Winnemucca municipal water supply, near the west line of section 12, T. 35 N., R. 38 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1532
Martin Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1534
Martin Creek below the national forest boundary	From the national forest boundary to the first diversion in T. 42 N., R. 40 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1536
Dutch John Creek	The entire length.	X	X	X	X	X	X		X					NAC 445A.1538
Huntington Creek at the White Pine-Elko county line	From its origin to the White Pine-Elko county line.	X	X	X	X	X	X		X					NAC 445A.1542

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Huntington Creek at Smith Creek	From the White Pine-Elko county line to its confluence with Smith Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1544
Huntington Creek at the South Fork of the Humboldt River	From its confluence with Smith Creek to its confluence with the South Fork of the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1546
Green Mountain Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1548
Green Mountain Creek at Corral Creek	From the national forest boundary to its confluence with Corral Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1552
Toyn Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1554
Reese Creek at Indian Creek	From its origin to its confluence with Indian Creek.	X	X	X	X	X	X		X					NAC 445A.1556
Reese River at State Route 722	From its confluence with Indian Creek to State Route 722 (old U.S. Highway 50).	X	X	X	X	X	X	X	X				Trout	NAC 445A.1558
Reese River below State Route 722	North of State Route 722 (old U.S. Highway 50).	X	X	X	X	X	X	X	X					NAC 445A.1562
San Juan Creek	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.1564
Big Creek at the forest service campground	From its origin to the east boundary of the United States Forest Service's Big Creek Campground.	X	X	X	X	X	X		X					NAC 445A.1566
Big Creek below the forest service campground	From the east boundary of the United States Forest Service's Big Creek Campground to the first diversion dam, near the west line of section 4, T. 17 N., R. 43 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1568
Mill Creek	From its origin to the first point of diversion, near the south line of section 22, T. 29 N., R. 44 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1572
Lewis Creek	From its origin to the first point of diversion, near the center of section 23, T. 30 N., R. 45 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1574
Iowa Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1576
Starr Creek	From the confluence of Ackler and Herder Creeks to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1578
Irrigation	Irrigation													
Livestock	Watering of livestock													

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Contact	Recreation involving contact with the water													
Noncontact	Recreation not involving contact with the water													
Industrial	Industrial supply													
Municipal	Municipal or domestic supply, or both													
Wildlife	Propagation of wildlife													
Aquatic	Propagation of aquatic life													
Aesthetic	Waters of extraordinary ecological or aesthetic value													
Enhance	Enhancement of water quality													
Marsh	Maintenance of a freshwater marsh													

Sec. 3. NAC 445A.1434 is hereby amended to read as follows:

445A.1434 The standards for water quality for select bodies of water within the Humboldt Region are prescribed in NAC 445A.1434 to 445A.1578, inclusive ~~.~~ ***, and section 1 of this regulation.***

Permanent Regulation - Filing Statement

A Regulation Relating to Water Quality Planning

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

State Environmental Commission (SEC)
LCB File No: R130-12

Regulation R130-12 – North Antelope Creek: This regulation establishes appropriate beneficial uses and site-specific water quality standards for North Antelope Creek. North Antelope Creek is a tributary to Rock Creek in the Humboldt River Basin. North Antelope Creek does not have site-specific water quality standards, but is protected via the Tributary Rule (NAC 445A.1239) with the application of water quality standards established for Rock Creek. However, some of the beneficial uses for Rock Creek are not appropriate for North Antelope Creek, particularly municipal and domestic supply and irrigation. Beneficial uses proposed for North Antelope Creek include aquatic life, wildlife, watering of livestock, contact recreation, noncontact recreation and industrial supply.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

On May 8, 9 and 16, 2012 the NDEP held workshops in Carson City, Las Vegas, and Elko on this regulation. There were a total of four (4) comments presented at the workshops, which were responded to by NDEP staff – details are posted under agenda item 8 at: **http://www.sec.nv.gov/main/hearing_1012.htm** .

Following the workshop, the SEC held a formal regulatory hearing on October 11, 2012 at the Reno Office of the Nevada Department of Wildlife on Valley Rd. in Reno, Nevada. A public notice and agenda for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, and at NDEP Offices in Carson City and Las Vegas, at the Department of Wildlife in Reno, and at the Division of Minerals in Carson City.

Copies of the agenda, the public notice, and the proposed permanent regulation R130-12 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: **http://www.sec.nv.gov/main/hearing_1012.htm**

2. The number of persons who attended the SEC Regulatory Hearing:

(a) Attended October11, 2012 hearing: 20 (approx.)
(b) Testified on this Petition at the hearing: 0
(c) Submitted to the agency written comments: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected parties and responded to at the public workshops noted above. In addition, NDEP staff created and disseminated a 18 page rationale for the regulation that described the changes in the Statewide Fecal Coliform standards proposed in the regulation. The rationale document is also posted under agenda item 8 at:
http://www.sec.nv.gov/main/hearing_1012.htm .

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without changes.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional costs to the agency for enforcement of the proposed regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not duplicate any other federal, state or local regulation.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any federal regulation or guidance.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not address specific fees.