

Secretary of State
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State Environmental Commission

Classification [] Proposed [] Adopted By Agency [] Temporary [] Emergency [] Permanent [XX]

Petition R093-13: This regulation revises NAC 445A. The Nevada Division of Environmental Protection (NDEP) is delegated to administer the Clean Water Act (CWA) in Nevada. During the 1970s, when Nevada was establishing its water quality standards program, standards were set for several waterbodies located on Federal Indian Reservations. In 1983, the Federal government established a federal Indian policy to treat Tribal governments on a government-to-government basis, and to support the principle of self-determination and local decision making by Indian Tribes. Section 518(e) of the CWA was added as part of the 1987 Amendments. This section authorizes the United States Environmental Protection Agency to treat federally recognized Indian Tribes in a similar manner as states for certain provisions of the CWA, including the water quality standards program. Additionally, federal court rulings and the Nevada Attorney General uphold the position that States do not have authority to undertake or implement environmental regulations on Tribal lands.

The regulation changes are needed as Nevada has no legal authority to regulate water quality on Tribal lands.

Authority citation other than 233B: §§1-318, NRS 445A.425 and 445A.520.

Notice date: October 31, 2013

Hearing date: December 4, 2013

