PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R148-24

July 19, 2024

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

AUTHORITY: §§ 1 and 2, NRS 445A.425 and 445A.520.

A REGULATION relating to water quality; designating a tier 3 level of antidegradation protection for the portion of Lake Tahoe located in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to establish water quality standards to protect and ensure a continuation of the designated beneficial uses applicable to certain bodies of water in this State. (NRS 445A.520) Existing regulations also: (1) authorize the Commission to designate a surface water of this State or segment thereof with the beneficial use of extraordinary ecological, aesthetic or recreational value; and (2) require the Commission to designate such a water as having a tier 2.5 or tier 3 level of antidegradation protection. (Section 2 of LCB File No. 113-22) Existing regulations designate Lake Tahoe with a beneficial use of extraordinary ecological, aesthetic or recreational value and prescribe water quality standards relating to the designated beneficial use for its existing sampling points. (NAC 445A.1622, 445A.1626) **Section 2** of this regulation designates the portion of Lake Tahoe located in Nevada with a tier 3 level of antidegradation protection. **Section 1** of this regulation makes a conforming change to revise the segment description of Lake Tahoe from the existing sampling points to the portion of Lake Tahoe located in Nevada.

Section 1. NAC 445A.1622 is hereby amended to read as follows:

445A.1622 The designated beneficial uses for select bodies of water within the Truckee Region are prescribed in this section:

Water Body	Segment Description	Beneficial Uses	Aquatic Life	Water Quality

Name		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	Species of Concern	Standard NAC Reference
Lake Tahoe	~~[Existing sampling points.]~~ ***The portion of Lake Tahoe located in Nevada.***	X	X	X	X	X	X	X	X	X			Cold-water fishery	NAC 445A.1626
Lake Tahoe Tributaries	All tributaries to Lake Tahoe located in Nevada and which are not included in NAC 445A.1632 to 445A.1666, inclusive.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1628
Incline Creek, East Fork at the ski resort	From its origin to the ski resort.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1632
Incline Creek, West Fork at State Highway 431	From its origin to State Highway 431.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1634
Incline Creek, East Fork; Incline Creek, West Fork; and Incline Creek	The East Fork of Incline Creek from the ski resort to the West Fork of Incline Creek, the West Fork of Incline Creek from State Highway 431 to the East Fork of Incline Creek, and Incline Creek from the confluence of the East and West Forks of Incline Creek to Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1636
Third Creek, East Fork at State Highway 431	From its origin to State Highway 431.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1638
Third Creek, East Fork; Third Creek, West Fork; and Third Creek	The East Fork of Third Creek from State Highway 431 to the West Fork of Third Creek, the West Fork of Third Creek from its origin to the East Fork of Third Creek, and Third Creek from the confluence of the East and West Forks of Third Creek to Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1642
Wood Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1644
Second Creek at Second Creek Drive	From its origin to Second Creek Drive.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1646
Second Creek at Lakeshore Drive	From Second Creek Drive to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1648
First Creek at Dale and Knotty Pine Drives	From its origin to Dale and Knotty Pine Drives.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1652
First Creek at Lakeshore Drive	From Dale and Knotty Pine Drives to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1654
Glenbrook Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1656
Logan House Creek	From its origin to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1658
Eagle Rock Creek	From its origin to its confluence with Edgewood Creek.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1662
Edgewood Creek at Palisades Drive	From its origin to 50 feet downstream from the culvert at Palisades Drive.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1664

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		
Edgewood Creek at Stateline	From 50 feet downstream from the culvert at Palisades Drive to its confluence with Lake Tahoe.	X	X	X	X	X	X	X	X		X		Cold-water fishery	NAC 445A.1666
Truckee River at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				All life stages of mountain whitefish, rainbow trout and brown trout	NAC 445A.1682
Truckee River at Idlewild	From the California-Nevada state line to Idlewild.	X	X	X	X	X	X	X	X				All life stages of mountain whitefish, rainbow trout and brown trout	NAC 445A.1684
Truckee River at East McCarran	From Idlewild to the East McCarran Boulevard Bridge.	X	X	X	X	X	X	X	X				All life stages of mountain whitefish, rainbow trout and brown trout	NAC 445A.1686
Truckee River at Lockwood Bridge	From the East McCarran Boulevard Bridge to the Lockwood Bridge.	X	X	X	X	X	X	X	X				Juvenile and adult rainbow trout and brown trout	NAC 445A.1688
Truckee River at Derby Dam	From the Lockwood Bridge to Derby Dam.	X	X	X	X	X	X	X	X				Juvenile and adult rainbow trout and brown trout. However, the species which are sensitive to temperature are expected to seek a cooler microhabitat during July and August	NAC 445A.1692
Truckee River at the Pyramid Lake Paiute Reservation	From Derby Dam to the exterior border of the Pyramid Lake Paiute Reservation.	X	X	X	X	X	X	X	X				Early spawning Lahontan cutthroat trout and their incubation, larvae, juveniles and migration, from May through June, depending on hydrologic conditions	NAC 445A.1694
Bronco Creek	From its origin to the California-Nevada state line.	X	X	X	X	X	X	X	X					NAC 445A.1698
Gray Creek	From its origin to the California-Nevada state line.	X	X	X	X	X	X	X	X					NAC 445A.1702
Hunter Creek at Hunter Lake	From its origin to Hunter Lake.	X	X	X	X	X	X		X					NAC 445A.1704

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		
Hunter Lake	The entire lake.	X	X	X	X	X	X		X					NAC 445A.1706
Hunter Creek at the Truckee River	From Hunter Lake to its confluence with the Truckee River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1708
Washoe Lakes	The entire lakes.	X	X	X	X	X	X	X	X					NAC 445A.1722
Steamboat Creek at the gaging station	From Little Washoe Lake to gaging station number 10-349300, located in the S 1/2 of section 33, T. 18 N., R. 20 E., M.D.B. & M.	X	X	X	X	X	X	X	X					NAC 445A.1724
Steamboat Creek at the Truckee River	From gaging station number 10-349300, located in the S 1/2 of section 33, T. 18 N., R. 20 E., M.D.B. & M., to its confluence with the Truckee River.	X	X	X	X	X		X	X					NAC 445A.1726
Franktown Creek, upper	From its origin to the first irrigation diversion, near the north line of section 9, T. 16 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1728
Franktown Creek at Washoe Lake	From the first irrigation diversion, near the north line of section 9, T. 16 N., R. 19 E., M.D.B. & M., to Washoe Lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1732
Hobart Reservoir and tributaries	The entire system.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1734
Ophir Creek at State Route 429	From its origin to State Route 429 (old U.S. Highway 395).	X	X	X	X	X	X		X					NAC 445A.1736
Ophir Creek at Washoe Lake	From State Route 429 (old U.S. Highway 395) to Washoe Lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1738
Price Lakes	The entire lakes.	X	X	X	X	X	X		X					NAC 445A.1742
Davis Lake	The entire lake.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1744
Galena Creek, upper	From its origin to the east line of section 18, T. 17 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1746
Galena Creek, middle	From the east line of section 18, T. 17 N., R. 19 E., M.D.B. & M., to gaging station number 10-348900 located in the SW 1/4 of the SW 1/4 of section 2, T. 17 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1748
Galena Creek at Steamboat Creek	From gaging station number 10-348900, located in the SW 1/4 of the SW 1/4 of section 2, T. 17 N., R. 19 E., M.D.B. & M., to its confluence with Steamboat Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1752
Whites Creek, upper	From its origin to the east line of section 33, T. 18 N., R. 19 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1754
Whites Creek at Steamboat Ditch	Below the east line of section 33, T. 18 N., R. 19 E., M.D.B. & M., to Steamboat Ditch.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1756

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	
Whites Creek at Steamboat Creek	Below Steamboat Ditch.	X	X	X	X	X	X	X	X				NAC 445A.1758
Lagomarsino Creek	The entire length; also known as Long Valley Creek.	X	X	X	X	X		X	X				NAC 445A.1762
Tracy Pond	The entire area.	X	X	X	X	X	X	X	X				NAC 445A.1764

Irrigation	Irrigation
Livestock	Watering of livestock
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	Extraordinary ecological, aesthetic or recreational value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 2. NAC 445A.1626 is hereby amended to read as follows:

445A.1626 The limits of this table apply to the body of water known as Lake Tahoe for ~~[~~its ~~existing sampling points. This segment of]~~ ***the portion located in Nevada.*** Lake Tahoe is located in Carson City and Douglas and Washoe Counties. ***Pursuant to section 2 of LCB File No. R113-22, the Commission designates Lake Tahoe to have a tier 3 level of antidegradation protection.***

STANDARDS OF WATER QUALITY

Lake Tahoe

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic *i*	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X	X		
Aquatic Life Species of Concern			Cold-water fishery.										
Temperature - °C ΔT^b - °C		S.V. Oct-May ≤ 10.0 S.V. Jun-Sep ≤ 20.0 $\Delta T = 0$			*								
pH - SU		S.V. 7.0 - 8.4									*		
Dissolved Oxygen - percent of saturation		S.V. ≥ 90.0			*								

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic [i]	Enhance	Marsh
Soluble Phosphorus - µg/L		A-Avg. ≤ 7.0									*		
Total Nitrogen (as N) - mg/L		A-Avg. ≤ 0.25 S.V. ≤ 0.32									*		
Total Soluble Inorganic Nitrogen - µg/L		A-Avg. ≤ 25.0									*		
Nitrite (as N) - mg/L		S.V. ≤ 0.06			*								
Unionized Ammonia - mg/L		S.V. ≤ 0.003			*								
Algal Growth Potential		[c]									*		
Plankton Count - No./mL		Avg. (Jun-Sep) ≤ 100.0 S.V. ≤ 500.0									*		
Turbidity		[d]									*		
Clarity		[e]									*		
Total Dissolved Solids - mg/L		A-Avg. ≤ 60.0 S.V. ≤ 70.0									*		
Chloride - mg/L		A-Avg. ≤ 3.0 S.V. ≤ 5.0									*		
Sulfate - mg/L		S.V. ≤ 2.0									*		
Sodium - SAR		A-Avg. ≤ 8.0		*									
Specific Electrical Conductance µmhos/cm@20°C		A-Avg. ≤ 95.0 S.V. ≤ 105.0						*					
E. coli - cfu/100 mL[g]		S.V. ≤ 126.0				*							
Coliform Organisms - MPN/100 mL		[f]				*							
Toxic Materials		[h]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.1622 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The mean annual algal growth potential at any point in the lake must not be greater than twice the mean annual algal potential at a limnetic reference station and using analytical methods determined jointly with the Environmental Protection Agency, Region IX.

[d] To minimize turbidity levels in Lake Tahoe and tributary streams and control erosion:

1. The discharge of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials to Lake Tahoe or any tributary thereto is prohibited.
2. The discharge of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials to lands below the high water rim of Lake Tahoe or along any tributary to Lake Tahoe in a manner which will cause the discharge of the waste materials to Lake Tahoe or any tributary thereto is prohibited.
3. The placement or man-made disturbance of material below the high water rim of Lake Tahoe or along any tributaries to Lake Tahoe in a manner which will cause the discharge of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials to Lake Tahoe or any tributary thereto is prohibited.

[e] The vertical extinction coefficient must be less than 0.08 per meter when measured at any depth below the first meter. Turbidity must not exceed 3 NTU at any point of the lake too shallow to determine a reliable extinction coefficient.

[f] A density not greater than the values shown in the following table:

	Median	Maximum
Undeveloped Lake Front Areas		
10 yards offshore	5.0	32.0
100 yards offshore	3.0	15.0
Developed Lake Front Areas		
10 yards offshore	240.0	700.0
100 yards offshore	15.0	64.0
Directly Influenced by Streams		
10 yards offshore	240.0	700.0
100 yards offshore	32.0	240.0

[g] The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

[h] The water quality criteria for toxic materials are specified in NAC 445A.1236.

[i] ***Lake Tahoe has a tier 3 level of antidegradation protection.***