

## Nevada State Wetland Program Summary



Photo Credit: Clark County Wetlands Park

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### **Section A. Quick View**

#### **Description of State's Wetlands**

Nevada's wetlands include primarily bottom/streambed wetlands, emergent wetlands, forested/scrub-shrub wetlands, palustrine scrub-shrub wetlands and a small amount of both palustrine emergent and palustrine forested wetlands. Wetlands and riparian areas cover a relatively small portion of land in Nevada, but they are an important ecological feature in the state.

#### **State Definition of Wetlands**

"Wetlands" are defined as land that has: (1) A predominance of hydric soil; (2) Is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) Under normal conditions does support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

#### **Historic Wetland Loss/Gain**

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
487,350	236,350	251,000	52%

#### **Primary State Wetlands Webpage**

Nevada 401 Certification Program - Nevada Division of Environmental Protection, Bureau of Water Quality Planning Webpage

<http://ndep.nv.gov/bwqp/401cert.htm>

**State Wetland Program Plan**

Nevada does not have an EPA-approved state wetland program plan. However, the Nevada Natural Heritage Program and several state agency partners developed and are in the process of implementing the *Nevada Wetlands Priority Conservation Plan (2006)*  
<http://heritage.nv.gov/sites/default/files/library/wetplan2006.pdf>

**No Net Loss/Net Gain Goal**

Nevada has not formally adopted a no net loss goal for wetlands.

**State Resources for Wetland Work**

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Agency	DEP	DEP	DEP	None (Check with DOW)
Source(s)	Information unavailable	Information unavailable	Information unavailable	
Amount	Small amount for staffing	Small amount for staffing	Very small amount for staffing	
Staffing	Small % each of 4 staff	Small % each of 4 staff	Very small % each of 4 staff	

**Note:** Detailed budget information is not available at this time.

**State Permitting Fees**

State Permitting Fee	State Name
Yes/No	NO
Amount (range)	N/A
Agency	N/A

**Note:** There are very few discharges to surface waters of the state. Any of the small numbers of permits issues would more likely to be groundwater permits.

**Innovative Features**

None.

**Models and Templates**

None.

## **Section B. Regulation**

### **How are Wetlands Regulated in Nevada?**

Nevada regulates wetlands primarily through §401 certification under the Clean Water Act. The Nevada Department of Conservation and Natural Resources oversees the State's §401 certification process and has several divisions and programs that have jurisdiction over wetlands:

- NDCNR DEP *Bureau of Water Quality Planning* oversees development and implementation of water quality standards, §401 water quality certification, monitoring, and wetlands education, among other activities. The §401 certification process is described in the state's water quality provisions
- NDCNR-DEP *Bureau of Water Pollution Control* issues discharge permits, enforces the state's water pollution control laws and regulations, and provides technical and financial assistance to dischargers.
- NDCNR *Natural Heritage Program* (NNHP) maintains an inventory and databases on the locations, biology, conservation, and management status of all threatened, endangered, sensitive, and at-risk species, biological communities, and noxious weed infestations in the state. NNHP also supplies information and technical services to meet diverse conservation, planning, development, land management, and research needs.
- NDCNR *Division of Water Resources* (DWR) conserves, protects, manages, and enhances water resources for the state through the appropriation and reallocation of the public waters. In addition, DWR is responsible for quantifying existing water rights, monitoring water use, distributing water, and other tasks related to water allocation

Nevada is different from most states, in that DEP has been given the authority to set standards on any water of the state. With this authority, the state has set individual standards for three specific areas of wetlands – the Las Vegas Wash, the Carson Sink, and a marsh.

Additionally, Nevada Department of Wildlife (NDOW) is charged with the preservation, protection, management, and restoration of wildlife and its habitat, which often includes wetlands. The department prioritizes wetland resources for acquisition and management and preserves and restores wetland habitat throughout the state. Nevada Conservation Bonds have provided substantial funding to acquire wetland areas and water rights for Nevada's Wildlife Management Areas (WMAs). NDOW also administers the *Habitat Proliferation Permit* program for dredging in any river, stream, or lake. As part of the permitting process, biologists review the proposed operation and ensure that activities are not deleterious to fish or aquatic life.

It is important to note that there is some disagreement about whether some of the basins in the central part of the state should be regulated as Waters of the US (WOTUS). At issue is whether closed basins should be considered Waters of the United States (jurisdictional). At least one basin is formally regulated, the Humboldt River Basin. However, the Central Basin (which drains thirty smaller basins) is not currently regulated. The state is currently opposing the proposed new Waters of the United States Rule. At this time, the Corps decides whether or not a 404 permit is required. The state then undertakes the associated 401 certification process if the Corps initiates the 404 permit process. The state considers everything to be WOTUS unless told otherwise by the Corps.

### Wetland Delineation

Delineation Guidance	Yes	No	Detail
Use State's Own Method		X	
Use Corps' 87 Manual and Regional Supplement	X		
Other (Please describe)		X	

### Evaluation Methodology

The state does not have any formal evaluation methodology. The Corps is responsible for any evaluations conducted in the state.

### Exempted Activities

Comparable to federal.

### Special Provisions for Agriculture and Forestry

Comparable to federal.

### Penalties and Enforcement (This text may be changed by staff; check with state for latest information)

To maintain the quality of the state's waters, NDCNR-DEP, Bureau of Water Pollution Control issues permits for discharges; enforces permit conditions; and enforces law that prohibits unauthorized discharges. Violators to the state's water quality provisions are liable for civil penalties of up to \$25,000 for each day of the violation. Damages may include compensation for any loss or destruction of wildlife, fish or aquatic life. Criminally negligent violators are guilty of gross misdemeanors and are punishable by a fine of up to \$25,000 for each day of the violation or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

### Permit Tracking

The Department of Environmental Protection (DEP) tracks 401 certifications in a departmental database.

### State General Permit (statewide vs. regional coverage)

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit		X	
Statewide General Permit		X	

### Assumption of 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption		X	

### **Joint permitting**

None.

### **Special Area Management Plans and Advanced Identification Plans**

None.

### **Buffer Protections**

DEP does not formally regulate or promote any wetland or stream buffer protections. The Natural Heritage Program may have some protections (contact NHP staff for more information).

### **Mitigation Policy**

Nevada relies on the Army Corps of Engineers for all mitigation actions.

### **Mitigation Database**

The state does not have a mitigation database. The Corps relies on the RIBITS database.

## **Section C. Monitoring and Assessment**

### **Agency Responsible for Wetland Monitoring and Assessment**

Nevada monitors wetlands as part of the state's surface water monitoring program that tracks chemical and biological criteria.

Additionally, many of Nevada's high priority wetlands and endemic aquatic species are supported by springs, which are supplied by aquifers fed by precipitation on snow-capped mountains. Most of Nevada's springs have been used as water supplies for livestock, recreation, and domestic purposes and most are disturbed by non-native ungulates, diversion, ground water extraction, recreation, and/ or invasive species. The Nevada Springs Conservation Plan summarizes the current condition, identifies future threats, and highlights necessary actions to conserve some of Nevada's most significant aquatic environments. The Springs Conservation Plan working group identified one conservation goal, seven measurable objectives, and six actions for conserving Nevada's springs of biodiversity significance. Data was collected from 200 spring wetlands where rare or at-risk species have been found and from other knowledgeable biologists and ecologists.

### **Mapping/Inventory**

Contact the Nevada Natural Heritage Program for more information (<http://heritage.nv.gov/>)

### **State Wetland Mapping Public Portal**

The state does not have a wetland mapping public portal. However, the Department of Environmental Protection (DEP) does provide online access to surface water maps.

**Wetland Classification and Assessment**

The state defers to the Corps for all classification and assessment efforts.

**Statewide Wetland Monitoring Plan**

The state does not have a wetland monitoring plan. However, it does have a statewide water quality monitoring plan. This plan does not explicitly identify wetland monitoring activities.

**Overall Wetland Gain and Loss Tracking System**

None.

**Wetland Monitoring and Assessment Characteristics**

Level	None	Level 1	Level 2	Level 3
<i>Nevada</i>		X		

Type	None	IBI	Condition	Functional
<i>Nevada</i>		X		

Frequency	None	Project Specific	Ongoing
<i>Nevada</i>			X Rotating Basin System

**Description:** Due to limited resources, DEP conducts monitoring and assessment on a rotating basin schedule. Which basins are monitored depend on which year. It takes 10 years to conduct a full rotation of the state’s basins.

**Participation in National Wetland Condition Assessment**

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

**Description:** State staff were not involved with collecting data for the NWCA.

**Section D. Water Quality Standards**

**Wetland and Water Quality Standards**

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
<i>Wetland-specific Designated Uses</i>		X			
<i>Narrative criteria in the standards to protect designated wetland uses</i>		X			
<i>Numeric criteria in the standards based on wetland type and location to protect the designated uses</i>		X (The state has numeric criteria for the three specific wetland areas and a mechanism where it can apply criteria to specific water bodies)			
<i>Anti-degradation policy includes wetlands</i>		X			

**Description:** Nevada’s surface water quality standards apply to wetlands because wetlands are included in the definition of waters of the state. Standards are narrative and biological. The state’s anti-degradation rule also applies to wetlands. Open water designated uses that relate to wetlands include wildlife propagation and water quality. The state also has Tributary Rule: If a wetland has a tributary, the state can apply criteria up to the tributary.

**Section E. Voluntary Wetland Restoration**

Information in this section of Nevada’s state summary may be incorrect or incomplete. Please contact the Nevada Department of Wildlife for complete, up-to-date information.

**Types of Wetland Restoration Work Funded by the State:**

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		NDOW through funding from the Nevada Conservation Bond Initiative and state motorboat fuel taxes; Additionally, DEP provides some funding for occasional wetland restoration through 319 funds.

Private Land Restoration	Unknown		
Public Land Restoration	X		NDOW
Technical Assistance	X		NDOW
Tax Incentives	Unknown		
Other	Unknown		

**Description:** Question One Nevada Conservation Bond Initiative authorizes the state to issue bonds to secure \$200 million for projects to protect and preserve natural resources in Nevada, including wetlands. NDOW is working with the public to determine how to best use its \$27.5 million portion of those bonds. Through the initiative, NDOW works to create partnerships and leverage funds such as Fish and Wildlife Restoration Federal Aid monies, state motorboat fuel taxes, donations, and volunteer services. Funds are used to purchase land or acquire interest in real or personal property for the enhancement, protection, and management of wildlife and habitat, as well as some related recreational opportunities. Allocations also may be used for the development and renovation of facilities or the improvement of existing habitats for fish and wildlife. Acquisition projects are selected based on NDOW plans, plans of partner organizations, and specific criteria, including potential for wetland protection and development.

**Voluntary Wetland Restoration Program Components**

Wetland Restoration Efforts	Nothing in the Works	Planning	In Progress	Mature/Complete
Program has a set of restoration goals	Information unavailable			
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes	Information unavailable			
Developed multi-agency body to coordinate restoration/protection efforts	Information unavailable			
Set restoration goals based on agency objectives and available information	Information unavailable			

**Goals for Restoration Projects**

Goal	Yes	No	Description
No Net Loss	Information unavailable		
Reverse Loss/Net Gain	Information unavailable		
Nonpoint Source Pollution (NPS)/WQ	Information unavailable		
Total Maximum Daily Load (TMDLs)	Information		

	unavailable		
Habitat	Information unavailable		
Coastal Protection	Information unavailable		
Floodwater Protection	Information unavailable		
Groundwater	Information unavailable		
Other (please describe)	Information unavailable		

**Landowner Guides and Handbooks to Assist with Voluntary Wetland Restoration Efforts**

Information unavailable.

**Section F. Innovative and/or Highly Effective Education and Outreach**

None.

**Section G. Climate Change and Wetlands**

The state does not formally work on climate change issues.

**Other Non-Climate Change Adaptation Efforts:**

The state is in the middle of a cycle of drought and there is informal discussion of the use of wetlands to improve water storage.

**Section H. Integration**

Entity/Program Area	Yes/No	Description of the Connection
NPDES/Stormwater	NO	
303(d)	YES	
305(b) reporting on wetlands	YES	
Total Maximum Daily Load (TMDLs)	~	Would allow if proposed and makes sense; not currently in TMDLs
Climate Change/ Resiliency	NO	Not at this time, potentially in the future
Land Use /Watershed planning	YES	Not extensive, but on some specific plans
Flood/Hazard Mitigation	NO	
Coastal Work	N/A	
Wildlife Action Plan	U/K	
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	YES	Wetlands are included in Nevada's 2003 Statewide Comprehensive Outdoor Recreation Plan; check if in most recent submission
Other	NO	

**State Wetland Program Contact**

John Heggeness  
 Nevada Division of Environmental Protection  
 Bureau of Water Quality Planning  
 901S. Stewart Street, Suite 4001  
 Carson City, NV 89701  
 (775) 687-9449  
 jheggene@ndep.nv.gov

**State Wetland Program Development Continuum**

Continuum Stage		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	401 Certification Only			Unknown
Initial Implementation Stage	↑				
Development Stage			X	X	
Early Stage	Low				

**Section J. Useful Websites**

**State Government Programs**

1. Department of Conservation & Natural Resources
  - a) Division of Environmental Protection
    - i. Bureau of Water Quality Planning
      - <http://ndep.nv.gov/bwqp/index.htm>
      - Water Quality Monitoring Branch
        - <http://ndep.nv.gov/bwqp/monitor.htm>
      - Monitoring Branch
        - <http://ndep.nv.gov/bwqp/monitor.htm>
      - Lake Tahoe Watershed Program
        - <http://ndep.nv.gov/bwqp/tahoe.htm>
      - Nonpoint Source Pollution Management Program
        - <http://ndep.nv.gov/bwqp/NPSGWP.htm>
      - Water Quality Certification



<http://www.ducks.org/nevada/nevada-projects/nevada-ruby-lake-national-wildlife-refuge-wetland-enhancement-project>

4. Environment Nevada

<http://www.environmentnevada.org/programs/clean-water-1>

5. Intermountain West Joint Venture

<http://iwjv.org/>