



# Nevada Farm Bureau Federation

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July 21, 2025

U.S. Fish and Wildlife

Public Comments For Fish Lake Valley tui chub

Docket **FWS-R8-ES-2024-0207**

Submitted through Federal eRulemaking portal: <https://www.regulations.gov>

Dear Sirs:

We wish to have these comments included in the public comments for the proposal for the rule on the listing of the Fish Lake Valley tui chub.

As an initial point, the Nevada Farm Bureau Federation wants to make it known that we and our local county Central Nevada County Farm Bureau wish to be part of the development of the recovery plan to the restoration and conservation of the Fish Lake Valley tui chub, if the decision is to list the fish. We have been engaged in conservation activities for Greater Sage Grouse and Bi-State Sage Grouse since Nevada began the planning and protection/enhancement of habitat and Sage Grouse.

There is a strong, biased emphasis on agricultural production and use of water as the reason that the Fish Lake Valley tui chub should be listed under the Endangered Species Act. We disagree with this position. We are deeply troubled by the lack of transparency of hydrologic information in connection with the six Fish Lake Valley tui chub locations. The conditions creating these isolated pools of fish have been occurring over many centuries – long before irrigation came to the area.

It is asserted throughout the Federal Register Notice that groundwater pumping by agriculture is the cause of the fish being extirpated in every location where it once was present. There is the contention that the decline of ground water levels is to be causing the inability for Fish Lake Valley tui chub to survive in all six of the locations where the fish were located.

On page 21725 it is said, ***“Primarily due to groundwater pumping for agricultural use, groundwater levels in Fish Lake Valley have declined up to 2.0 feet per year resulting in over 75 feet of drawdown from the late 1960s to about 2010 which has significantly reduced Fish Lake Valley tui chub habitat through the subspecies range.”***

It continues, ***“Groundwater has been pumped for decades for agricultural purposes on both sides of the Nevada/California border within the Fish Lake Valley hydrographic basin. Permitted allocations exceed available water resources, and actual groundwater withdrawals must be reduced within Nevada and California until groundwater withdrawals are sustainable.”***

It is also written on page 21725 of the Federal Register that ***“the Nevada State Engineer’s Office assessed the Fish Lake Valley groundwater basis to be over-appropriated by 150 to 250 percent of the perennial yield.”*** If you assert that the State has allowed significant long-term over-pumping, it would seem that those authorities should be held accountable for not meeting their responsibilities. Nevada water right owners only received the authority to have a water right by the State Water Engineer granting them that right.

We insist that we learn in advance of how the State Engineer plans go about reducing water rights? Do we know what amount of water rights will be taken away from those who own them in order to get to what is “sustainable? Will the process be based on state law of prior appropriation? Will domestic well owners, whose water authority does not have a legal status is not equivalent to an agriculture water right owner, be treated in a unfair matter?

We also insist that the hydrologic details be made public on how while over-pumping was causing up to 75 feet drawdown – but yet over the same period timeframe the McNett spring system was increasing. The U.S. Fish and Wildlife Service states in the Federal Register on page 21731 ***“The main spring pool historically measured 23 by 17 with a maximum depth of 3 feet; however, the spring was later impounded, which increased the diameter of the pool to 39.0 feet.”***

This information of water levels in the McNett spring system increasing - in spite of the declining water tables that are alleged to be caused by agricultural use - raises the question of whether the water associated with the McNett spring system and the source of water part of agricultural irrigation use are hydrologic connected. It ought to be necessary to identify whatever hydrologic differences there are between all sources related for Fish Lake Valley tui chub.

U.S. Fish and Wildlife Service should publicly cover why they did not make mention of the Bureau of Land Management designating the Fish Lake Valley tui chub as a sensitive species, along with a management outline for Lida Pond. Treatment of the details for how population coming to exist in Lida Pond requires more recognition and discussion. We should learn why the U.S. Fish and Wildlife Service doesn’t want to recognize that there are more locations than the single McNett spring system location.

### **In Conclusion:**

We are willing to work with a community conservation group to address the needs of Fish Lake Valley tui chub. This work will require realistic understand of what the hydrological conditions are and what is possible to restore Fish Lake Valley tui chub (or is this whole charade is designed as an effort of take over state water law).

We are very concerned over the deliberate plans being made to destroy the agricultural operations of Fish Lake Valley and ruin the lives of families who have invested their sweat and financial resources in enterprises. There needs to be more transparency in the hydrological connections which proves that the taking of personal property (water rights and the value of land which needs irrigation to provide production) to be justified.

We also believe that the Fish Lake Valley tui chub in the Lida Pond should be included with the restoration/recovery program, if the decision is made to list the fish under the Endangered Species Act.

Thank you for including in this public comment process.

Sincerely,

A handwritten signature in cursive script, reading "Bevan Lister". The signature is written in dark ink and is positioned below the word "Sincerely,".

Bevan Lister, President