



SRAP
Socially Responsible
Agriculture Project

Guide to Confronting Concentrated Animal Feeding Operations in

NEVADA



Guide to Confronting Concentrated Animal Feeding Operations in NEVADA

A PROJECT BY SOCIALLY RESPONSIBLE AGRICULTURE PROJECT

For more than 20 years, Socially Responsible Agriculture Project (SRAP) has served as a mobilizing force to help communities protect themselves from the damages caused by industrial livestock operations and to advocate for a food system built on regenerative practices, justice, democracy, and resilience. Our team includes technical experts, independent family farmers, and rural residents who have faced the threats of factory farms in their communities. When asked for help, SRAP offers free support, providing communities with the knowledge and skills to protect their right to clean water, air, and soil and to a healthy, just, and vibrant future. For more information, visit www.sraproject.org.

SRAP HELP HOTLINE

Facing a factory farm? Contact SRAP for support.

www.sraproject.org/help

(503) 362-8303

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CAFO Guide Overview

This guide outlines CAFO laws, regulatory processes, and useful resources for advocates. Below is an overview of actions communities can take if a CAFO is being built, expanding, or violating regulations.

EDUCATE YOURSELF

Learn how CAFOs harm communities at sraproject.org. Use this guide to find state agencies that regulate CAFOs; state permitting requirements for zoning, construction, etc.; and public open meetings and records laws. Use SRAP's Federal Guide to learn relevant federal laws like the Clean Water Act, Clean Air Act, and Endangered Species Act.

LOOK FOR PUBLIC NOTICES

Look for public notices of CAFOs in newspapers, state agency websites, and at government buildings. The window for public participation is often brief. Find rules and deadlines for public comment, hearing requests, and appeals. Respond before deadlines.

REQUEST AND REVIEW PUBLIC RECORDS

Search for public records related to the CAFO; if necessary, make a public records request.

NEW OR EXPANDING CAFOS

REVIEW ZONING ORDINANCES

Review municipal or county codes and zoning ordinances to determine if any requirements must be met at the local level.

REVIEW PERMIT APPLICATIONS

Determine if any local, state, or federal permit applications are required; review application materials to make sure all requirements are met.

COLLECT DATA

Test water before the CAFO siting or expansion to establish a baseline. This may show that new pollution came from the CAFO.

EXISTING CAFOS

REVIEW CAFO DOCUMENTS

Review permits, applications, manure management plans, nutrient management plans, monitoring reports, etc. Familiarize yourself with permit and plan provisions so you can spot violations.

COLLECT DATA

Conduct well, soil, water, and/or air testing to establish a connection between the facility and harmful pollution. Keep a log of odor and other impacts.

MONITOR CAFOS AND BUILD A RECORD

Submit complaints to regulators if you observe violations. Take photos and keep a log. Don't trespass!

FOLLOW UP ON AGENCY RESPONSE TO COMPLAINTS

Did the agency take action? If a state agency isn't complying with state or federal environmental laws, contact your U.S. EPA Regional Office.

ORGANIZE A COMMUNITY GROUP

Organize your group and develop a public presence.

Consider forming a nonprofit if you plan long-term advocacy.

SEEK LEGAL ADVICE

Consider contacting law firms or pro-bono clinics for help with legal matters related to CAFOs.

IDENTIFY IMPAIRED WATER BODIES

Determine if impaired waters may be impacted by discharge from the existing or proposed CAFO.

CONTACT STATE OR LOCAL HEALTH DEPARTMENT

The Health Department may monitor or oppose the CAFO due to public health impacts.

CHECK FOR PUBLIC FINANCING

If the CAFO received government-backed loans, see if an Environmental Assessment was conducted.

TRACK PUBLIC NOTICES

CAFO permits come up for renewal, so look for public notices and comment opportunities.

REVIEW STATE RIGHT-TO-FARM LAW

Find exceptions to the law's nuisance liability shield (e.g., compliance with laws and permits is often a prerequisite to nuisance claim protection).

AGENCIES & STATE DEFINITIONS

Familiarize yourself with your state's livestock operation definitions, and with the agencies that regulate the industry. (Definitions and relevant agencies vary by state.)

SEEK PROPERTY TAX ADJUSTMENT

Neighbors may be able to reduce their property taxes due to CAFOs' negative impact on property values.

ENGAGE IN RULEMAKING PROCESSES

Attend regulatory meetings and share your concerns. If your state allows it, develop local ordinances to protect communities.

INTRODUCTION

As the driest state in the nation, it's not surprising that agriculture does not play as big of a role in Nevada as it does in much of the rest of the country. The state's top industry is gaming and tourism, and much of the state is uninhabited desert. Due to Nevada's arid nature, water quality and groundwater protection are important issues reflected in the state's environmental laws and regulations.

While agriculture in the state is limited by climate and water resources, it remains an important industry. According to U.S. Department of Agriculture, Nevada has approximately 3,400 farm operations and around 6 million acres of farmland.¹ Some crops are grown with the help of irrigation, but Nevada agriculture is directed primarily toward range livestock production.² Animal agriculture in the state is primarily cattle and sheep operations; the state farms around 420,000 cattle and 92,000 sheep.³ Due to the range livestock production model, there are relatively few concentrated animal feeding operations (CAFOs) in the state, but there are a few—mostly dairy operations. According to the U.S. Environmental Protection Agency (EPA), Nevada has 16 CAFOs and only around half of those have National Pollutant Discharge Elimination System (NPDES) permits.⁴ The Nevada Department of Environmental Protection (NDEP) is the primary agency for implementing the state's NPDES and CAFO programs.

Laws & Regulations

- [The Constitution of the State of Nevada](#)
- [Nevada Revised Statutes](#)
- [Nevada Administrative Code](#)

¹ https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=NEVADA

² http://agri.nv.gov/Administration/Administration/Agriculture_in_Nevada/

³ https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=NEVADA

⁴ https://www.epa.gov/sites/production/files/2018-05/documents/tracksum_endyear_2017.pdf

AGENCIES & STATE DEFINITIONS

Familiarize yourself with your state's livestock operation definitions, and with the agencies that regulate the industry. (Definitions and relevant agencies vary by state.)

Agencies

Nevada Division of Environmental Protection (NDEP)

NDEP is the primary state agency that develops, implements, and enforces state and federally authorized environmental laws and regulation that may apply to livestock operations. NDEP is composed of several administrations or sub-departments that help implement the environmental laws and programs that regulation AFOs in Nevada. NDEP's Bureau of Water Pollution Control (BWPC) administers the state's NPDES program. For more information, see [NDEP's website](#).⁵

Nevada Department of Conservation & Natural Resources

Nevada is comprised of 28 conservation districts that “work for the conservation and proper development of the state’s natural resources by taking available technical, financial and educational resources, and coordinating them to meet the needs of landowners and land users. They often work in cooperation with counties, the USDA Natural Resource Conservation Service, as well as other public and private agencies for the conservation of soil, water and related natural resources.”⁶ Conservation districts are not responsible for regulating AFOs, but district employees can be valuable sources of local environmental information. For more information, see Nevada Revised Statutes, Chapter 548, or [NDCNR's website](#).⁷

US EPA Region 9

Nevada is part of the U.S. EPA Region 9, the Pacific Southwest, which also includes California, Arizona, Hawaii, the Pacific Islands, and 148 tribes within those states. While most AFO regulation—if there is any—happens at the state level, the EPA has some

⁵ <https://ndep.nv.gov/>

⁶ <http://dcur.nv.gov/divisions-boards/conservation-districts-program>

⁷ NRS Chapter 548; <http://dcur.nv.gov/divisions-boards/conservation-districts-program>

oversight authority regarding the state's implementation of federal laws. For more information about EPA Region 8 and its involvement in Nevada, see its [website](#).⁸

Definitions

Animal Feeding Operation (AFO)

40 CFR 122.23

An AFO is a facility where animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in a 12-month period and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Concentrated Feeding Operation (CAFO)

NAC 445A.228, NAC 445A.232

Nevada defines CAFOs in its regulations regarding discharge permit requirements. Its administrative code states that a permit is required for "Discharges from facilities in which crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season and that confine animals if the facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, any of the following types of animals at or in excess of the number listed for each type of animal:"⁹

⁸ <https://www.epa.gov/aboutepa/epa-region-9-pacific-southwest>

⁹ NAC 445A.228(2)(c)(1).

Animal	
Cattle (bull, steer, heifer, or calf)	≥ 1,000
Dairy cow	≥ 700
Horses	≥ 500
Veal	≥ 1,000
Swine (≥ 55 pounds)	≥ 2,000
Swine (< 55 pounds)	≥ 10,000
Sheep/lambs	≥ 10,000
Ducks (with liquid manure handling)	≥ 5,000
Ducks (with dry manure handling)	≥ 30,000
Chickens (with liquid manure handling)	≥ 30,000
Laying hens (with dry manure handling)	≥ 82,000
Chickens (other than laying hens) with dry manure handling	≥ 125,000
Turkeys	≥ 55,000

All operations with fewer animals than listed above are considered AFOs and do not require a permit unless they discharge into a water of the state or are designated a CAFO by the state.

WATER

Most states are responsible for implementing the Clean Water Act and several other programs and permits that address water quality and availability across the state.

Nevada Pollutant Discharge Elimination System (NPDES)

40 CFR 412; NAC 445A.228

For the most part, Nevada closely follows federal laws regarding CAFO regulation. The U.S. EPA has delegated authority to the state to implement the National Pollutant Discharge Elimination System program in accordance with the federal Clean Water Act.

Nevada requires that all animal operations be zero-discharge operations, regardless of their size. Nevada prohibits the discharge of process wastewater pollutants from

feedlots or manure storage areas to waters of the United States. Additionally, AFOs must be designed and constructed to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour storm event without an overflow from the waste storage lagoon.

An AFO that meets the regulatory definition of the CAFO must obtain a permit from NDEP under the NPDES permitting program. As of 2017, only 8 of the state's 16 CAFOs had NPDES permits. NDEP does not issue General CAFO NPDES permits. See the [NDEP CAFO program website](#) for more information.¹⁰

The state has an online permit application system. Unfortunately, NDEP does not have much information about its CAFO NPDES permitting online. Almost all of the reference and guidance documents listed on NDEP's website are EPA and USDA resources—and many are outdated.

Nevada Comprehensive Nutrient Management Plan (CNMP)

40 CFR 122.42

In Nevada, a CAFO is required to have a CNMP to ensure the proper storage and application of waste, litter, and process wastewater. The CNMP should also address Best Management Practices (BMPs) to meet effluent guidelines, setbacks, an Animal Mortality Management Plan, and any site-specific conservation practices. However, the state does not have any laws or regulations or agency websites addressing the topic of nutrient management plans. It appears as though the state relies primarily on federal agency resources concerning nutrient/manure management. The CNMP must be prepared in accordance with the most recent Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code.

Setbacks

Nevada follows the federal minimums for water-quality based setback requirements. Manure, litter, or process wastewater should not be applied within 100 feet of down gradient surface waters, sinkholes, wells, or conduits to surface waters. The 100-foot setback may be substituted with a 35-foot wide vegetated buffer.

¹⁰ <https://ndep.nv.gov/water/water-pollution-control/permitting/concentrated-animal-feeding-operations-cafo-program>

Wetlands

Wetlands are a critically important resource that require strong governmental protections. Wetlands cover less than one percent of Nevada “but are some of the most economically and ecologically valuable lands in the State.”¹¹ Wetlands play an important role in flood attenuation, bank stabilization, water quality improvement, and habitat for wildlife, migratory waterfowl, and many of the state’s threatened and endangered species. Since wetland areas are lush than the rest of the more arid portions of the state, they are often desirable for grazing cattle or sheep, but this can have adverse effects on wetland resources. Nevada has not enacted specific state wetland protection laws and relies primarily on the federal Clean Water Act (CWA) to protect its wetlands.

Generally, any modification to wetlands, including depositing fill, excavating, or draining, will require a federal 404 permit from the U.S. Army Corps of Engineers (US ACoE). However, Section 401 of the CWA prevents a federal agency from issuing a permit for any activity that may result in a discharge to water (including wetlands) until the state where the discharge would occur has granted or waived Section 401 certification. Denying 401 certification prevents the federal permit or license from being issued. This process ensures that the issuance of federal permits will not violate state water quality standards. If a new or existing facility is engaging in or will engage in activities that will impact wetlands, raise the issue. See if the operation has sought the appropriate permits. If they haven’t, submit a complaint to the appropriate agency.

For more information about the U.S. ACoE role in 404 wetland permitting, see [USACE’s Regulatory website](#).¹²

Learn more about state water quality certification on [NDEP’s 401 Certification website](#).¹³

Locate wetlands in your area using U.S. Fish & Wildlife Service’s [Wetlands Mapper](#).¹⁴

¹¹ <https://www.fws.gov/wetlands/data/Water-Summary-Reports/National-Water-Summary-Wetland-Resources-Nevada.pdf>

¹² <https://www.spk.usace.army.mil/Missions/Regulatory.aspx>

¹³ <https://ndep.nv.gov/water/rivers-streams-lakes/401-certification>

¹⁴ Wetland Mapper, US FISH AND WILDLIFE SERVICE, <https://www.fws.gov/wetlands/data/Mapper.html>

Water Quality

Water Quality Standards

NRS 445A.355 & 445A.520; NAC 445A.11704-445A.2234

Impaired Water Bodies

Section 303(d) of the Clean Water Act requires states to perform annual water quality assessments¹⁵ and identify waters not meeting the state’s water quality standards.¹⁶ Since states are supposed to protect waters from further degradation, it may be important to note if a CAFO or large AFO is seeking to discharge into or near an already impaired water of the state. You can find this information in [NDEP’s Water Quality Integrated Report](#).¹⁷

Water Rights & Water Permit

NRS, Chapter 533

Nevada water law rests on a combination of prior appropriation and beneficial use. Prior appropriation—often known as “first in time, first in right”—protects existing or senior water rights. Beneficial use gives preference to certain types of activities or industries for access to water rights. The watering of livestock and irrigation is considered a beneficial use under state law but permits and water rights must still be obtained from the state. Applications for water permits must be filed with the State engineer and notice of the completed application must be published in a local newspaper for 30 days for interested parties to comment or file a formal protest.¹⁸

The Nevada Division of Water Resources is the primary authority for water rights and permits in the state. The State Engineer has the discretion to hold a hearing prior to any water right or water permitting decision.

See the [Division of Water Resources website](#) for more information about Nevada water rights, permits, and mapping data.¹⁹

¹⁵ CWA § 305(b).

¹⁶ CWA § 303(d).

¹⁷ <https://ndep.nv.gov/water/rivers-streams-lakes/water-quality-standards/303d-305b-water-quality-integrated-report>

¹⁸ NRS 533.360 & 365

¹⁹ <http://water.nv.gov/index.aspx>

Groundwater

NRS, Chapters 533 and 534

The Clean Water Act calls for the regulation of discharges to surface waters, but states have varying degrees of protection for groundwater. Groundwater is a precious and limited resource in Nevada and the state has a number of laws and regulation relating to its use. Most of the groundwater-specific laws are administered by the State Engineer²⁰ or established groundwater boards.²¹ Below are a few sections which could apply to agricultural operations:

- A license is required to drill a well.²²
- Any person who wants to sink or bore a well in a designated groundwater basin must apply for a permit from the State Engineer.²³
- Waste of water from artesian wells is unlawful.²⁴
- The state allows for the temporary conversion of agricultural water rights for wildlife purposes to improve the quality of flow of water for a period of up to three years.²⁵
- If a county is under a draught declaration, a person looking to divert groundwater to livestock must obtain a temporary permit from the State Engineer.²⁶

Construction & Stormwater

While an AFO may not need an NPDES permit to operate, its construction may still require a Construction Stormwater Permit. The federal Clean Water Act calls for the control of pollution generated by runoff from construction activity.²⁷ NDEP requires a Construction Stormwater Permit if a project disturbs one or more acres of land and will discharge into a water of the state. Additionally, if a project will disturb less than one acre but will impact waters or tributaries located within ¼ mile of the project, NDEP may determine that a construction stormwater permit is required. The

²⁰ NRS 534.030

²¹ NRS 534.035

²² NRS 534.160

²³ NRS 534.050

²⁴ NRS 534.070

²⁵ NRS 533.024

²⁶ NRS 533.504

²⁷ CWA § 402; 40 C.F.R. §§ 122.26, 450.

applicant must also develop a Stormwater Pollution Prevention Plan and any Best Management Practices to ensure that the permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards.

For more information, see [NDEP's Construction Stormwater Permit website](#).²⁸

AIR

Some states regulate AFO air pollution or odor more than others. Nevada has some odor regulation.

Air Quality & Odors

NRS Chapter 445B; NAC 445B.22087

Industrial livestock operations are a significant source of odors and air pollutants like ammonia, hydrogen sulfide, particulate matter, volatile organic compounds, and other contaminants. In theory, animal agriculture may be regulated, but the industry has largely evaded meaningful regulation. While federal air-related laws and regulations do not require much from CAFOs, states may develop their own regulations for CAFO emissions.

Nevada's Air Control regulations state:

1. No person may discharge or cause to be discharged, from any stationary source, any material or regulated pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.
2. The Director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.
3. The Director shall deem the odor to be a violation if he or she is able to make two odor measurements within a period of one hour. These measurements must be separated by at least 15 minutes. An odor measurement consists of a

²⁸ <https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/construction-sites-greater-than-1-acre>

detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.²⁹

In addition to the odor regulation above, local governments may pass air quality or odor regulations. Check if your county or local municipality have any air quality or odor ordinances.

ZONING & LAND USE

Local governments are often the first to know of a proposal for a CAFO or other livestock operation to locate or expand in a community.

In Nevada, local government is “authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structure” for the purpose of “promoting the health, safety, morals, or the general welfare of the community.”³⁰ Nevada’s local governments have broad authority to regulate land uses absent an explicit prohibition and provided that the local ordinances or regulations conform to the regional or master plans regarding land use.

The state Legislature recognizes that regions may need to develop land use strategies to maintain the “economic viability of agricultural and other predominately rural and uses,”³¹ but does not appear to prohibit local governments from passing ordinances that could impact agricultural operations such as CAFOs. Given the broad authority of local government in Nevada regarding zoning and land use, residents should consult their local ordinances and regulations.

Learn more about land use planning and zoning in Nevada in Chapter 278 of the Nevada Revised Statutes.

²⁹ NAC 445B.22083

³⁰ NRS 278.020

³¹ NRS 278.02521

PUBLIC PARTICIPATION

Take advantage of every opportunity to make your voice heard about industrial animal agriculture in your community. AFO operators and regulators will not take steps to reform the industry unless the public demands it.

Public Notice (CAFO permit)

NAC 445A.234

Depending on the type of permit, NDEP may be required to issue public notice.

Every application for a discharge permit in Nevada (except temporary permits) must undergo a period of public notice. "Public notice of every complete application for a discharge permit...must be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the discharge."³² Here are the basics of discharge permit notice procedures:

- Notice must be circulated in the area of the proposed discharge via publication in a local newspaper or periodical of general circulation.
- Notice must be mailed or emailed to any person on the group mailing list maintained by NDEP.
- The notice should provide at least 30 days for interested persons to submit their views on NDEP's tentative determination or the application in general.
- NDEP must prepare a fact sheet with respect to the discharge application to be sent upon request.
- The application and related forms must be made available to the public for inspection.

You can also access NDEP public notices [here](#) and subscribe to receive public notice emails regarding areas of interest such as Water Pollution Control Public Notice, Air Quality Info and Notices, Water Quality Standards and Monitoring, or State Environmental Commission.³³

³² NAC 445A.234

³³ <https://ndep.nv.gov/posts>

Comments and Requesting a Public Hearing

NAC 445A.238

Concerned community members have limited time to submit comments after publication of notice. This process moves very quickly, so it's important to submit written comments on time and to the correct contact person. Deadlines and contact information will be included in the public notice. When submitting written comments, review the application as well as the permit fact sheet in order to provide an informed comment. Instructions for obtaining copies of these documents will be included in the public notice. During the public comment period, residents should also request a public hearing. NDEP must provide an opportunity for interested parties to request a public hearing with respect to a permit application. The request for a hearing must be filed within the 30-day notice period and indicate the reasons for a hearing. NDEP shall hold a hearing if there is *significant public interest* for holding it, so be sure to make your interest and objections heard.

- Public notice for the public hearing must be made at least 30 days before the hearing. The notice for a public hearing must include the following:³⁴
 - Name, address, and phone number of the department
 - Name and address of applicant(s)
 - Name of waterway to which discharge is made
 - Reference to public notice issued for the permit application
 - Time and location of the hearing
 - Purpose of the hearing
 - Issues raised by persons requesting the hearing
 - Where to obtain further information and documents related to the application
 - Nature of the hearing and rules and procedures to be followed

NUISANCE & RIGHT TO FARM LAW

When state and federal regulations fail to protect people from the harmful impacts of industrial livestock facilities, these individuals may consider filing a nuisance lawsuit. Unfortunately, Nevada's Right-to-Farm Law makes this strategy ineffective in most cases.

³⁴ NAC 445A.239

Nuisance Claims

Nevada code defines “nuisance” as “anything which is injurious to health, offensive to the senses or an obstruction to the free use of property and which interferes with the comfortable enjoyment of life or property.”³⁵ Noise, odors, dust, smoke, pollution, pests, illness, or light could be considered nuisances. Many individuals and communities describe CAFOs as nuisances since they can decrease local property values, prevent people from using and enjoying their homes or yards, and can impair human health. While this sounds like a perfect example of a nuisance, many states—including Nevada—have enacted laws to shield livestock operations from nuisance liability.

State Right-to-Farm Laws

NRS 40.140

Right-to-farm laws exist in most states and seek to protect farmers from nuisance suits brought by neighbors and communities experiencing unpleasant effects of agricultural production. Nevada’s right-to-farm law states:

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.³⁶

While this certainly makes it more challenging to seek damages against a CAFO that poses a nuisance to neighbors or the community, a successful nuisance action is not out of the question if the operation has a history of enforcement and compliance issues. This highlights the importance of learning what is required of CAFOs and reporting any violations as they arise. For questions about a nuisance action against a problematic CAFO, consult a legal professional.

³⁵ NRS 40.140; NAC 445B.114

³⁶ NRS 40.140(2)

ENFORCEMENT

Since industrial livestock operations are rarely eager to self-report violations of local, state, or federal law, it's often up to residents to report violations and push for enforcement, especially given Nevada's small number of CAFOs and sporadic inspections. A record of compliance issues demonstrates that penalties or enforcement actions are necessary.

Submitting Complaints & Reporting Violations

If a CAFO is violating its permit, NMP, application setbacks, or any other regulation, you can submit a complaint to the NDEP.

Contact NDEP's Bureau of Corrective Actions at (775) 687-9368.³⁷

Report spills to soil, surface water, or groundwater, or a confirmed release from an underground storage tank via [NDEP's online spill form](#).³⁸

Be sure to properly describe and document the compliance issue you are reporting. Record dates and times, take detailed notes, and include photos whenever possible, but **do not trespass** in order to do so.

PUBLIC INFORMATION LAWS

One of the first steps when dealing with a new, expanding, or problematic industrial livestock operation is gathering information. This can involve finding information online, submitting record requests, and attending public meetings. Fortunately, state laws increase government transparency and provide public access to certain types of information.

Freedom of Information Act

5 U.S.C. § 552

³⁷ <https://ndep.nv.gov/environmental-cleanup/environmental-assistance-program>

³⁸ <https://nevadaenvironmentalactivities.ndep.nv.gov/Spill/ReportForm.aspx>

The Freedom of Information Act (FOIA) is federal law that allows individuals to access and request information from government agencies, subject to some restrictions. See the Federal Guide for more information.

Nevada Open Records Act

NRS. 239 et seq.

The Nevada Open Records Act is intended to “foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law.”³⁹ It applies to any agency, board, commission, bureau, council, department, division, or other unit of state government. The governmental entity is required to respond to the request or produce the documents within five business days of receiving a request.⁴⁰ There are a number of exemptions—over 300 scattered throughout the state’s code that are updated very often—that allow the government to withhold certain types of records.⁴¹ The government may charge a fee for copying records but the entity may decide to waive the fee.⁴² No statement of purpose is required when requesting records from a governmental entity in Nevada. Your reason for requesting the records does not change the government’s obligation under the law to produce public records.

For more detail, see the Nevada Open Records Act and state guidance materials such as [Nevada Public Records Act: A Manual for State Agencies](#).⁴³

Try to locate as much information as possible online before submitting a record request. If the information you need isn’t available online, determine which governmental entity would most likely have the information and direct the request to them.

[The National Freedom of Information Coalition](#) also provides Nevada FOIA resources, including governmental contacts and sample letters.⁴⁴

³⁹ NRS 239.001(1)

⁴⁰ NRS 239.0107

⁴¹ NRS 239.0105

⁴² NRS 239.052

⁴³ https://nsla.nv.gov/ld.php?content_id=34967931

⁴⁴ <https://www.nfoic.org/coalitions/state-foi-resources/nevada-foia-laws>

Record requests can be submitted by mail or electronically. Although no specific form is required to make a FOIA request, a sample Nevada record request is available [here](#).⁴⁵

Public record regulations and procedures can change frequently, so consult the most current laws and regulations before filing Nevada record requests.

Nevada Open Meetings Law

NRS 241 et seq.

Nevada's Open Meetings Law states that "all public bodies exist to aid in the conduct of people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."⁴⁶ All meetings of public bodies must be open to the public. The legislature and judiciary are not subject to the open meetings law. Written notice of all meetings must be given at least three working days before the meeting. Notice must include information such as time, place, and location of the meeting, a list of where notice has been posted, the name and contact information where the public can request supporting materials, an agenda, and other requirements detailed in NRS 241.020. There are a few exemptions that allow for closed meetings. The law requires that the public body keep written minutes of each of its meetings that are considered public record and make them available for inspection upon request.⁴⁷ Any actions taken in violation of NRS Chapter 241 are void⁴⁸ and violators may be subject to penalties and enforcement actions by the Attorney General.⁴⁹ A lawsuit to declare an action void must be filed within 60 days of the public meeting and a lawsuit against a public body for violating the law must be filed within 120 days of the meeting.

See Chapter 241 of Nevada Revised Statutes for more details about the requirements for open meetings.

⁴⁵ <https://www.nfoic.org/nevada-sample-foia-request>

⁴⁶ NRS 241.010

⁴⁷ NRS 241.035

⁴⁸ NRS 241.036

⁴⁹ NRS 241.040

PROPERTY TAX APPEAL

Industrial livestock operations have been shown to reduce nearby property values by as much as 80 percent. Unfortunately, local governments often fail to adjust property value assessments accordingly, causing owners of nearby properties to pay more than their fair share of property taxes, in addition to enduring the other harmful impacts of industrial livestock production. In these cases, property owners may be able to seek a property tax reduction. This may also help convince local government officials that CAFOs aren't as economically beneficial to communities as their proponents claim.

Property Tax Appeal

NRS 361.342, 361.345, 361.355

Nevada property owners may file an appeal when they believe that their property assessment does not reflect the market value of the property. If you want to appeal your assessment, you must do so on or before January 15 and submit all data and evidence of your complaint to the county board of equalization. Be sure to review your county's specific procedures and policies; if you don't submit your appeal properly, you waive your right to relief for that year. For more information about assessment processes and Nevada's property taxes, see Chapter 361 of Nevada Revised Statutes or the [State Board of Equalization website](#).⁵⁰

OTHER RESOURCES

Protecting your community from factory farms is difficult. Avoid working alone by building relationships in your community, consulting with experts, and collaborating with groups working on similar issues.

Socially Responsible Agriculture Project (SRAP)

SRAP provides free advice and technical assistance to communities throughout the U.S. facing factory farms. Find additional resources at www.sraproject.org, and contact SRAP for support at 503-632-8303

⁵⁰ https://tax.nv.gov/Boards/State_Board_of_Equalization_Forms/State_Board_of_Equalization/; https://tax.nv.gov/uploadedFiles/taxnvgov/Content/Boards/State_Board_of_Equalization_Forms/2018-2019%20SBE%20Hearing%20Guidelines%20Manual.pdf

State and Nonprofit Organizations

- **Environment Nevada:** <https://environmentnevada.org/>
- **Sierra Club – Nevada/Toiyabe Chapter:** <https://www.sierraclub.org/toiyabe>
- **Nevada Conservation League Education Fund:**
<https://www.protectnv.org/mission/>
- **Western Sustainable Agriculture Working Group:**
<http://www.westernsawg.com/>