February 28, 2019

David Smith, Manager
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
Mail Code: WTR-2-3
San Francisco, CA 94105
Smith.davidw@Epa.gov

**Transmittal of Lahontan Regional Water Quality Control Board Resolution No. R6T-2018-0050 Approving the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region and Adopting a List of Prioritized Basin Planning Projects**

Dear Mr. Smith,

On November 15, 2018, the Lahontan Regional Water Quality Control Board (Water Board) adopted Resolution No. R6T-2018-0050 approving its 2018 Triennial Review List of prioritized basin planning projects and concluding the 2018 Triennial Review of the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Water Board's 2018 Triennial Review List identifies high-priority basin planning projects that will be included in the Water Board's Basin Planning workplan over the next three years (2019-2021). Those projects are as follows:

- Evaluate Bacteria Water Quality Objectives
- Climate Change Adaptation and Mitigation Strategy
- Source Water Protection
- Riparian Protection Policy
- Mojave River Surface Water Beneficial Use Revisions
- Site-Specific Water Quality Objectives for Mojave Ground Water
- Remove Lake Tahoe Prohibition on New Pier Construction
- Tribal and Subsistence Beneficial Uses
- Truckee River Embedded/Deposited Sediment Objective
- Editorial Revision, Corrections, and Incorporation of Adopted State Water Board Policies

The Water Board's 2018 Triennial Review List includes a project to incorporate Clean Water Act section 304(a) criteria into the Basin Plan but does not prioritize the project to receive resources. The basis for the Water Board's decision regarding this project are summarized, below, with additional detail provided in Table 1 of the Staff Report and in Water Board staff's response to comments.

- The Water Board has limited resources to address Basin Planning work. The adopted 2018 Triennial Review List includes 11 projects given higher priority by the Water Board, ten of those are prioritized to receive resources in the subsequent three-year period.
- The Water Board asserts that the State Water Resources Control Board (State Water Board), in many cases, is the appropriate body to adopt water quality objectives based upon 304(a) criteria. The State Water Board has recently done so with the REC-1 bacteria water quality objectives, has an ongoing project to do so with cadmium, and can more efficiently adopt and incorporate such objectives compared to nine regional boards taking independent actions.
- The Water Board does not have the authority to modify criteria for constituents included in the California Toxics Rule (CTR).

The Water Board is transmitting electronic copies of Resolution No. R6T-2018-0050, including the 2018 Triennial Review List, and the following records:

- Public notices;
- Staff Report; and
- Public participation-related records.

If you have any questions, please feel free to contact me at (530) 542-5466 or by email at Daniel.Sussman@waterboards.ca.gov.

Sincerely,

for Dan Sussman
Senior Environmental Scientist
Planning and Assessment Unit

Enclosures:
1. Resolution No. R6T-2018-0050
2. June 4, 2018 Public Notice (July and September Workshops/Request for Comments)
3. August 24, 2018 Public Notice (Draft 2018 Prioritized Project List/Comment Period Extension)
4. September 28, 2018 Public Notice (November 14-15, 2018 Public Hearing)
5. Staff Report – 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region, October 2018
6. Water Board Staff Response to Comment

cc w/enclosures:
Terrence Fleming, USEPA – Region 9, Water Division – Water Quality Standards
Karen Mogus, Deputy Director, State Water Board, Division of Water Quality
Rebecca Fitzgerald, Environmental Program Manager 1, State Water Board, DWQ-Water Quality Standards and Assessment Section
Zane Poulson, Senior Environmental Scientist, State Water Board, DWQ-Inland Planning Standards & Implementation Unit

DS/ma/T: 2018 Triennial Review-USEPA Trans Letter
File Under ECM / WQ Control Plans and Policies/Triennial Review/Transmittal

# ENCLOSURE 1

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**LAHONTAN REGION**

**RESOLUTION NO. R6T-2018-0050**

**2018 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN)**

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**WHEREAS**, the California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. The Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect March 31, 1995 and has been amended from time to time since that date.

2. The Basin Plan contains the Lahontan Region's water quality standards, which consist of beneficial uses of waters in the Lahontan Region, water quality objectives, as well as an anti-degradation policy. The Basin Plan also contains a program of implementation, including but not limited to, control measures necessary to protect water quality for the beneficial uses.

3. State and federal laws require periodic review of Basin Plans. Pursuant to California Water Code section 13240 and Clean Water Act section 303(c), the Water Board is responsible for periodically reviewing water quality standards and, as appropriate, modifying and adopting standards contained in the Basin Plan. This process is known as "Triennial Review."

4. The Water Board and its staff implemented the 2018 Triennial Review by:

    a. Noticing and circulating draft staff reports and draft lists of basin planning projects, and posting these materials on the Water Board's Internet web page, for public review and comment during a 112-day period between June 4, 2018 and September 24, 2018;

    b. Noticing and conducting two public workshops at its July 18, 2018 regular meeting in Bishop and its September 12, 2018 regular meeting in South Lake Tahoe;

    c. Responding to public comments received during the June 4, 2018 - September 24, 2018 public comment period, and carefully taking such comments and other factors into consideration when developing the Proposed 2018 Triennial Review List; and

    d. Noticing and conducting a public hearing to receive oral comments at the Water Board's regularly scheduled November 14 - 15, 2018 meeting in Apple Valley.

5. As a result of the Water Board's Triennial Review process, the Water Board has identified and prioritized its basin planning projects in the 2018 Triennial Review List

(Attachment A of this Resolution) and as described in the *Final Staff Report – 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region*. The 2018 Triennial Review List also identifies basin planning projects that will require additional funding before they can be addressed.

6. The Triennial Review process does not necessarily involve the revisions of all or any particular component of the water quality standards every three years. Moreover, identification of an issue during Triennial Review does not necessarily mean that any Basin Plan amendment will be made over the course of the three-year review cycle. While the Water Board is required to conduct a review of its Basin Plan, neither federal nor state law imposes a duty to revise or modify it.

**THEREFORE, BE IT RESOLVED:**

1. The Water Board, in fulfillment of the requirements of California Water Code section 13240 and Clean Water Act section 303(c), has:

   a. Concluded the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region.

   b. Approved the 2018 Triennial Review List as set forth in Attachment A to this Resolution.

   c. Concluded that projects identified in the 2018 Triennial Review List with priority designations of 11 - 19 will require additional funding before they can be addressed.

2. The Water Board's Triennial Review actions do not preclude other revisions to the Water Quality Control Plan for the Lahontan Region that may become necessary before the next Triennial Review.

3. The entire Water Quality Control Plan for the Lahontan Region shall remain in effect until such time that the Water Board adopts specific amendments and the appropriate state and federal agencies approve such amendments.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on November 15, 2018.

For PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment A: 2018 Triennial Review List

## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps* |
|---|---|---|---|---|
| 1 | Evaluate Bacteria Water Quality Objectives | Evaluate Basin Plan fecal coliform objectives for surface waters and clarify their regulatory and assessment applications considering the State Water Board's recently adopted statewide bacteria objective for REC-1 beneficial use. | • Improve regulatory clarity<br>• Region-wide applicability<br>• State Water Board guidance | Begin work in Year 1:<br>• Evaluate regional data<br>• Consult stakeholders<br>• Develop strategy |
| 2 | Climate Change Adaptation and Mitigation Strategy | Water Board is currently developing a Climate Change Adaptation and Mitigation Strategy (Strategy). If adopted, identify, prioritize, and begin work on the Strategy's recommended priority actions requiring basin planning response(s). Additionally, evaluate opportunities to incorporate/address Source Water Protection (priority Project 3), Riparian Protection Policy (priority Project 4), and Instream Flow Criteria (priority Project 16) elements. | • Water Board priorities (human health protection and environmental health protection/ restoration)<br>• Region-wide applicability<br>• Stakeholder collaboration/ support | Begin work in Year 1:<br>• Identify and prioritize basin planning-related recommendations<br>• Evaluate opportunity to address Project 3,Project 4, and Project 16 goals/objectives<br>• Initiate work on highest-priority recommendation(s), as guided by Strategy and resources |
| 3 | Source Water Protection | Identify potential basin planning activities necessary to further improve source water protection within the Lahontan Region. Source waters include headwaters for surface waters usually in the mountains and groundwater recharge areas typically near the base of mountains. | • Water Board priorities (human health protection and environmental health protection/restoration)<br>• Region-wide applicability | Continue work in Year 1:<br>• Continue coordination with State Water Board on state-wide policy development<br>• Identify opportunities to address project goals/objectives through Project 2. |
| 4 | Riparian Protection Policy | Evaluate need to develop a policy or revise or add Basin Plan control measures to prevent/minimize/mitigate impacts of hydromodification upon groundwater and surface water beneficial uses | • Water Board priorities (environmental health protection/restoration)<br>• Region-wide applicability | Begin work in Year 2 or 3:<br>• Evaluate need for and identify scope of Basin Plan control measures or policy development<br>• Evaluate opportunities to address project goals/objectives through Project 2 and/or Project 3 |



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps* |
|---|---|---|---|---|
| 5 | Mojave River Surface Water Beneficial Use Revisions | Basin Plan amendment involving the following revisions.<br>• Add BIOL and RARE to specific reaches of Mojave River and its tributaries<br>• Remove COLD from specific reach<br>• Clarify use of existing water quality objectives for the floodplain aquifer. | • Underway/near completion<br>• Regulatory clarity<br>• Stakeholder support | Complete work in Year 1:<br>• Complete Staff Report and Use Attainability Analysis<br>• Complete Substitute Environmental Document<br>• Public workshop<br>• Adoption hearing |
| 6 | Site-Specific Water Quality Objectives for Mojave Ground Water | Staff will evaluate groundwater quality information to determine whether it is appropriate to set specific WQOs. | • Underway<br>• Regulatory clarity<br>• Stakeholder support | Continue work in Year 1:<br>• Prioritize ground water sub-basins for evaluation<br>• Evaluate available data/information and determine if it is adequate for determining the need for and ability to develop new water quality objectives<br>• Develop strategy, including stakeholder involvement and schedule, to develop new water quality objectives where appropriate |
| 7 | Remove Lake Tahoe Prohibition on New Pier Construction | This project will remove language in the Basin Plan that conflicts with TRPA's Code of Ordinances regarding new pier construction. | • Underway<br>• Regulatory clarity | Complete work in Year 1:<br>• Complete Staff Report<br>• Complete Substitute Environmental Document<br>• Public workshop<br>• Adoption hearing |

*Staff plans to provide the Water Board with project updates through a combination of EO Report articles and status reports.



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps* |
|---|---|---|---|---|
| 8 | Tribal and Subsistence Beneficial Uses | Add Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing beneficial uses (CUL, T-SUB, SUB) to the Basin Plan. Engage with tribes to identify waters that support Tribal beneficial uses | • Water Board priorities (human health protection)<br>• Tribal requests<br>• Environmental justice/ disadvantage communities | Begin work in Year 1:<br>• Develop and implement Tribal consultation process<br>• Develop approach and schedule to incorporate beneficial uses into the Basin Plan and to designate waterbodies with those uses |
| 9 | Truckee River Embedded/Deposited Sediment Objective | Evaluate whether to propose a new water quality objective for deposited/embedded sediment for the Middle Truckee River to address impairment of COLD and SPWN beneficial uses. The current TMDL is based on the water quality objective for suspended sediment which is not effective at addressing the impairment of COLD and SPWN beneficial uses. | • Water Board priorities (environmental health protection/restoration)<br>• Stakeholder support/collaboration | Begin work in Year 1:<br>• Collaborate with Truckee River Watershed Council to develop strategy regarding data collection, analysis, and needs assessment<br>• Evaluate options for addressing beneficial use impairment following data collection, analysis, and needs assessment |
| 10 | Editorial Revisions, Corrections, and Incorporation of Adopted State Water Board Policies | Miscellaneous corrections and improvements, such as:<br>• Correcting square mile number for Region and features in the wrong watershed<br>• Consistent use of terms<br>• Correct and updated references to policies and plans<br>• Formatting changes | • Basin Plan accuracy and ease of use<br>• Potential to combine with other basin planning actions | Begin work in Year 2 or 3:<br>• Identify other basin planning efforts where these needs could be incorporated |

*Staff plans to provide the Water Board with project updates through a combination of EO Report articles and status reports.



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps |
|---|---|---|---|---|
| 11 | Develop New Beneficial Use-Based Water Quality Objectives | Add new water quality objectives (WQOs) to the Basin Plan based on protection of beneficial uses. Note that this project could also address or facilitate progress on the following projects identified on the 2015 Triennial Review List:<br>• Mean of Monthly Means<br>• Region-wide Approach to TDS Water Quality Objectives for Surface Waters<br>• Susan River Site-Specific Objectives<br>• Water Quality Objectives for Leviathan and Bryant Creeks<br>• Revise Hot Creek Water Quality Objectives<br>• Site-Specific Objectives for Fish Springs | Staff posits a need to develop water quality objectives that are associated with the protection of specific beneficial uses. This is a complex topic that is influenced by, and will influence, such things as 303(d) list development, permits, and anti-degradation evaluations. There are more immediate Basin Planning needs, and so staff proposes postponing this project, which has potential to displace all above projects, and recommends this project be prioritized in the 2021 Triennial Review. | • Identify and evaluate options/approaches regarding developing new beneficial use-based water quality objectives and how existing water quality objectives will be used. |



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## Table 1 – Proposed 2018 Triennial Review List

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|---|---|---|---|---|
| 12 | Evaluate New Section CWA 304(a) Criteria | Identify new or updated Clean Water Act section 304(a) water quality criteria published by the USEPA for incorporation into the Lahontan Basin Plan. This project would also incorporate the 2015 Triennial Review project "Biotic Ligand Model for Copper," which is a 2007 USEPA national criteria. | With some exceptions, the new 304(a) criteria contaminants revise criteria included in the California Toxics Rule, which the Water Board does not have the ability to modify. The State Water Board addressed updated bacteria ambient water quality criteria for recreational waters and has a project underway to address cadmium. It is most efficient for the State Water Board to adopt those 304(a) criteria (when more stringent than existing water quality objectives) as statewide WQOs. | • Work with State Water Board and recommend that State Water Board address this evaluation on a state-wide basis<br>• Evaluate new or revised CWA section 304(a) recommended water quality criteria for incorporation into the Basin Plan as water quality objectives |
| **Priority** | **Project** | **Description** | **Prioritization** | **Next Steps** |
| 13 | Eagle Lake "Building Moratorium" | Reevaluate the Basin Plan's waste discharge prohibition establishing a maximum development density of one single family dwelling equivalent per 20 acres for new development discharging waste to subsurface disposal systems in the Eagle Drainage Hydrologic Area (Eagle Lake watershed excluding the Stones-Bengard, Spalding Tract, and Eagle's Nest subdivisions) in light of the State Water Board's Onsite Wastewater Treatment System Policy. This prohibition has restricted development in the rural area not serviced by a community service district who provide sewer and waste disposal. | • Lahontan Water Board staff in the permitting program is evaluating alternatives to address this issue | • Develop Guidance document identifying alternative approach(es)<br>• Evaluate how to implement the guidance and determine if a Basin Plan amendment is necessary |



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## Table 1 – Proposed 2018 Triennial Review List

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|---|---|---|---|---|
| 14 | Water Quality Objectives for Lake Tahoe Nearshore | Evaluate research findings to determine if new nearshore water quality standards are necessary. | • Water Board-funded research effort currently underway<br>• Research findings and recommendations will be developed during the next 3 to 5 years<br>• Research findings and recommendations are important to evaluate if new water quality standards are necessary | • Evaluate research findings and determine need for new water quality standards |
| 15 | Biological Indicators | Develop narrative and/or numeric biological objectives (i.e., biocriteria) to protect the biological integrity of the Region's surface waters. | • Project goal/objectives may be addressed by State Water Board's developing Biological Integrity Project | • Monitor and participate in State Board efforts<br>• Evaluate need for region-specific water quality objectives |



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps |
|---|---|---|---|---|
| 16 | Instream Flow Criteria | Evaluate developing narrative or site-specific numeric flow criteria and/or WQOs for flow requirements. | • State Water Board (DWQ, Water Rights) In-Stream Flow Program under development<br>• Project goals/objectives may in part be addressed by Project 2 | • Prioritize needs by waterbody and beneficial use<br>• Use State Water Board metrics to determine recommended flow levels |
| 17 | Remove Beneficial Uses from Piute Ponds Wetlands | Remove Groundwater Recharge (GWR) and Agricultural Supply (AGR) beneficial uses from the Piute Ponds and wetlands in the Amargosa Creek watershed eastern Los Angeles County. | • Need to reevaluate need for project with Discharger that requested project. | • Stakeholder and tribal engagement<br>• Conduct Use Attainability Analysis |
| 18 | Clarify Policy on Package Plants | Clarify language regarding package plants, as necessary, which may require a Basin Plan amendment. | • Project goals/objectives may be addressed through non-basin planning action. | • Evaluate need for revising Basin Plan language. |
| 19 | Revise PCPs Water Quality Objectives | The USEPA recommended revising water quality objectives for pentachlorophenol (PCPs), where appropriate. | • Defer and recommend to State Water Board addressing matter on a state-wide basis | |



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# ENCLOSURE 2

June 4, 2018

# ****NOTIFICATION****

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

## NOTICE OF PUBLIC WORKSHOPS AND OPPORTUNITY TO COMMENT ON THE 2018 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION

**NOTICE IS HEREBY GIVEN** that the Lahontan Regional Water Quality Control Board (Water Board) has begun the Triennial Review process for its Water Quality Control Plan for the Lahontan Region (Basin Plan). The purpose of the Triennial Review is to identify key Basin Plan issues that will guide Basin Planning efforts for the following three years. The Basin Plan identifies beneficial uses of surface and ground waters, establishes water quality standards for protecting the beneficial uses, and describes implementation programs for achieving water quality standards. The Basin Plan covers all watersheds located in the Lahontan Region, including eastern California from the Oregon border to the northern Mojave Desert, east of the Sierra Nevada crest.

The Water Board will hold two public workshop meetings to receive comments on Basin Plan elements that may need amendment. Potential amendments can include, but are not limited to, revising water quality standards and beneficial uses for specific water bodies, revisions reflecting plans and policies adopted by other agencies, and revisions clarifying existing Basin Plan elements. The Water Board welcomes public participation in its decision-making processes and encourages the public and others to submit comments on issues that could be addressed in future Basin Plan amendments. The Triennial Review process does not include consideration of waste discharge requirements, waivers of waste discharge requirements, National Pollutant Discharge Elimination System permits, or other regulatory matters.

The public workshops will be held during the Water Board's regularly scheduled July 2018 and September 2018 meetings at the locations shown.

| DATES: | July 18-19, 2018 | September 12-13, 2018 |
|---|---|---|
| TIME: | July 18, 2018, 7:00 p.m.<br>Potentially continuing to July 19, 2018, 8:30 a.m. | To be determined. |
| PLACE: | Bishop City Hall<br>West Line Street<br>Bishop, CA 92311 | Lahontan Water Board Annex<br>971 Silver Dollar Ave.<br>South Lake Tahoe, CA 96150 |

Dates and times are subject to change. Final dates and approximate times will be identified in the Water Board's agenda for each meeting, which are posted on the Water Board's web site at: www.waterboards.ca.gov/lahontan, a minimum of 10 days prior to each meeting. Meeting rooms will be accessible to people with disabilities. Individuals who require special accommodations or have special language needs are requested to contact Michelle Avila at (530) 542-5414 (Michelle.Avila@waterboards.ca.gov) at least five (5) working days prior to the meeting. TTY/TTD/Speech to Speech users may dial 7-1-1 for the California Relay Service.

**REQUEST FOR PUBLIC INPUT**

Water Board staff anticipates releasing a draft 2018 Triennial Review List and related information on or about **June 15, 2018**. The draft 2018 Triennial Review List identifies high priority Basin Planning issues that will direct Basin Planning efforts for the following three years. The List will include many of the topics from the 2015 Triennial Review and new priorities that have emerged since that time. This information will be available on the Water Board's website at:

http://www.waterboards.ca.gov/rwqcb6/water_issues/programs/basin_plan/index.shtml.

**All written comments must be received by 5:00 p.m. on September 14, 2018.** Please email your written comments to: Lahontan@waterboards.ca.gov and include **"2018 Triennial Review Comments"** in the subject line. If you do not have access to the Internet, please mail your written comments to:

Daniel Sussman
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Following the two workshops, Water Board staff will review both oral and written comments and prepare recommendations for the Water Board to consider at its regularly scheduled meeting in November 2018. The Water Board will have the options of (1) adopting staff's recommendations unchanged, (2) adopting staff recommendations with

revisions, or (3) directing staff to make substantial revisions and return before the Water Board at a later date. Adoption of the Triennial Review List does not mean that the Water Board will adopt any proposed Basin Plan amendment identified on the Triennial Review List. Such Basin Plan amendments will proceed through a separate development and evaluation process, including future public hearings and opportunities for the public and others to provide comments. Additional information regarding the Triennial Review is available in PDF format from the Water Board's website at:

https://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/#triennial.

Persons wishing to subscribe to the Water Board's electronic mailing list regarding the Triennial Review can do so through the Water Board's website by clicking on the "Subscribe" button on the right side of the following webpage:

https://www.waterboards.ca.gov/resources/email_subscriptions/reg6_subscribe.html.

Check the box titled "Basin Plan - Triennial Review."

If you have already signed up for the mailing list in the past, you need not sign up a second time. All future information and notifications pertaining to this Triennial Review will be provided electronically through this subscription service, and to those interested parties who have requested notification via US mail.

Please bring the above information to the attention of anyone you know to be interested in this matter.

DS/ma/T: 2018 Triennial Review-Workshop Notice
File Under: WQ Control Plans and Policies/Triennial Review/Public Notice/Workshop Notice

# ENCLOSURE 3

# ****NOTIFICATION****

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

## NOTICE OF EXTENDED PUBLIC COMMENT PERIOD AND REVISED DRAFT PROJECT LIST FOR THE 2018 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION

**NOTICE IS HEREBY GIVEN** that the draft 2018 Triennial Review List of projects has been updated to assign priority to the projects and to add additional projects. The proposed project list discussed at the July 18, 2018 workshop did not assign priorities to the projects.

Updated documents can be found on the Lahontan Water Board website: https://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/#triennial

The opportunity to submit comments on the Lahontan Regional Water Quality Control Board (Water Board) 2018 Triennial Review has been extended to **September 24, 2018 at 5:00 p.m.** The previous deadline for comment submittal was September 14, 2018.

Please email your written comments to Lahontan@waterboards.ca.gov and include **"2018 Triennial Review Comments"** in the subject line. If you do not have access to the Internet, please mail your written comments to:

Daniel Sussman
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

The Lahontan Water Board will host a second public workshop on the 2018 Triennial Review at the Water Board's regularly scheduled September 2018 Board meeting.

| | |
|---|---|
| **DATE:** | **September 12, 2018** |
| **TIME:** | 7:00 p.m. |
| **PLACE:** | Lahontan Water Board<br>Annex<br>971 Silver Dollar Ave.<br>South Lake Tahoe, CA 96150 |

Meeting rooms will be accessible to people with disabilities. Individuals who require special accommodations or have special language needs are requested to contact Michelle Avila at (530) 542-5414 or Michelle.Avila@waterboards.ca.gov at least five (5) working days prior to the meeting. TTY/TTD/Speech to Speech users may dial 7-1-1 for the California Relay Service.

Persons wishing to subscribe to the Water Board's electronic mailing list regarding the Triennial Review can do so through the Water Board's website by clicking on the "Subscribe" button on the right side of the following webpage:

https://www.waterboards.ca.gov/resources/email_subscriptions/reg6_subscribe.html.

Check the box titled "Basin Plan - Triennial Review."

Please bring the above information to the attention of anyone you know to be interested in this matter.

# ENCLOSURE 4

******NOTIFICATION******

(issued 9/28/2018)

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

# NOTICE OF PUBLIC HEARING FOR THE 2018 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION

The Triennial Review of The Water Quality Control Plan for The Lahontan Region (Basin Plan) is sometimes referred to as the "triennial" review because federal law requires a review of water quality standards every three years. The Basin Plan identifies beneficial uses of surface and ground waters, establishes water quality standards for protecting the beneficial uses, and describes implementation programs for achieving water quality standards. The Basin Plan covers all watersheds located in the Lahontan Region, including eastern California from the Oregon border to the northern Mojave Desert, east of the Sierra Nevada crest.

The purpose of the Triennial Review is to identify and prioritize key Basin Plan issues that will guide Basin Planning efforts for the following three years. The result of the review is a list of priority projects to be investigated further and, where appropriate, addressed through the adoption of Basin Plan amendments.

The public hearing to consider adoption of a proposed Resolution and a prioritized list of basin planning projects for the 2018 Triennial Review will be held during the California Regional Water Quality Control Board, Lahontan Region's (Water Board) meeting scheduled for:

| | |
|---|---|
| **DATES:** | **November 14-15, 2018** |
| **TIME:** | **7:00 p.m. on 11/14 & 8:30 a.m. on 11/15** |
| **PLACE:** | Mojave Water Agency<br>13846 Conference Center Drive<br>Apple Valley, CA 92307 |

Final dates and approximate times will be identified in the Water Board's agenda for each meeting, which are posted on the Water Board's web site at www.waterboards.ca.gov/lahontan, a minimum of 10 days prior to each meeting. Meeting rooms will be accessible to people with disabilities. Individuals who require special accommodations or have special language needs are requested to contact Katrina Fleshman at (530) 542-5414 (Katrina.Fleshman@waterboards.ca.gov) at least five (5) working days prior to the meeting. TTY/TTD/Speech to Speech users may dial 7-1-1 for the California Relay Service.

**PUBLIC PARTICIPATION**
The Water Board held two public workshops at the July and September 2018 Board meetings to provide information and to hear comments. Written comments on a draft list of issues provided by Water Board staff, or on other suggestions for revisions to the Basin Plan, were invited during a 102-day comment period, from June 4, 2018 to September 14, 2018. On August 24, 2018, Water Board staff released a draft prioritized list of proposed projects and extended the comment period to September 24, 2018, for a total comment period of 112 days. The proposed projects included: Revise Water Quality Objectives for Bacteria, Climate Change Adaptation and Mitigation Strategy Implementation, Source Water Protection, Riparian Protection Policy, Mojave River Surface Water Beneficial Use Revisions, Site Specific Objectives for Mojave Ground Water Sub-basins, Remove the Prohibition on New Pier Construction in Fish Spawning Habitat at Lake Tahoe, Tribal Beneficial Uses, Evaluate New or Revised Clean Water Act Section 304(a) Recommended Criteria for Incorporation into the Basin Plan as Water Quality Objectives, Deposited/ embedded sediment standard for the Middle Truckee River, and other projects that can be reviewed in the minutes and materials available for Item 3 of the September Board meeting.

The Water Board will prepare a response to comments document to address written comments received by September 24, 2018. The comments received will be considered in the development of an updated staff report and prioritized list, and a proposed Resolution that will be presented to the Water Board to consider for adoption at the public hearing.

The Water Board will have the options of (1) adopting staff's recommendations unchanged, (2) adopting staff recommendations with revisions, or (3) directing staff to make substantial revisions and return before the Water Board at a later date. Adoption of the Triennial Review List does not mean that the Water Board will adopt any proposed Basin Plan amendment identified on the Triennial Review List. Such Basin Plan amendments will proceed through a separate development and evaluation process, including future public hearings and opportunities for the public and others to provide comments.

The public will have an opportunity to provide verbal comments during the November hearing.

**DOCUMENT AVAILABILITY**
Documents relevant to the hearing and links to information on the Triennial Review will be available 30 days prior the hearing at:

https://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/#triennial

**INTERESTED PERSONS LIST**
Persons wishing to subscribe to the Water Board's electronic mailing list regarding the Triennial Review can do so through the Water Board's website by clicking on the "Subscribe" button on the right side of the following webpage:

https://www.waterboards.ca.gov/resources/email_subscriptions/reg6_subscribe.html.

Check the box titled "Basin Plan - Triennial Review."

**STAFF CONTACT**
Please direct questions about this notice or the Basin Plan Triennial Review to
Mr. Daniel Sussman at (530) 542-5466 (daniel.sussman@waterboards.ca.gov).

# ENCLOSURE 5

# STAFF REPORT

# 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region

California Regional Water Quality Control Board
Lahontan Region

October 2018

Contact Person:

Daniel Sussman
Chief, Planning and Assessment Unit
Telephone: (530) 542-5466
Email: daniel.sussman@waterboards.ca.gov



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## Introduction

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is the state agency with primary responsibility for setting and implementing water quality standards in the part of California located east of the Sierra Nevada crest, from the Oregon border into the northern Mojave Desert (Figure 1). This part of California is roughly 24 percent of the state. Water quality standards and control measures are contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The current Basin Plan took effect in 1995, replacing three earlier plans. Sixteen sets of amendments to the 1995 Basin Plan have received all necessary approvals. The Basin Plan is available on the Water Board's Internet web page at: http://www.waterboards.ca.gov/lahontan.

State and federal laws require periodic review of Basin Plans; the federal process is called "Triennial Review." Due to resource limitations and the complexity of California's Basin Plan amendment process, Triennial Review in California is generally limited to identifying high-priority basin planning projects to be addressed over the three years between Triennial Review events. Examples of such projects include, but are not limited to, developing new or revising existing water quality objectives; evaluating, adding, or removing beneficial use designations for specific surface water bodies and/or ground water basins; and developing new or revising existing control measures, such as waste discharge prohibitions.

The Water Board's Triennial Review process produces a prioritized list of basin planning projects but does not include a description of the method or the strategy staff will take in completing the priority projects. The prioritized Triennial Review List serves as the three-year work plan for the Water Board's Basin Planning Program. The Water Board's current Triennial Review List was adopted in November 2015, following a September 17, 2015 public workshop, and has been used to allocate resources towards accomplishing the priority projects on the list. Triennial Review is not a regulatory action and does not require environmental analysis under the California Environmental Quality Act.

This staff report provides information on the Triennial Review process and on basin planning projects recommended by Water Board staff. Additional projects may be identified at the November 2018 public hearing. Staff will make final recommendations regarding basin planning projects at the November 2018 public hearing. The Water Board will consider staff's proposed 2018 Triennial Review List and could adopt the list as proposed or with modifications, or request staff to revise the list and return at a later Board meeting. Upon adoption, the 2018 Triennial Review List will identify its high-priority basin planning work for the following three years (2019 - 2021) and will also identify future basin planning projects to be addressed as future resources allow. Basin Plan amendments, whether or not they are identified in the adopted 2018 Triennial Review List, are required to proceed through a separate development and evaluation process, including future public hearings and opportunities for the public and others to



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provide comments. Additionally, the Executive Officer or the Water Board has the ability to change priorities during the Triennial Review cycle (2019 - 2021).

**Water Quality Standards**

Under the Clean Water Act, water quality standards include designated uses, water quality criteria, and an antidegradation policy. The *Porter-Cologne Water Quality Control Act* (Porter-Cologne) modifies the federal language to refer to designated uses as *beneficial uses* and water quality criteria as *water quality objectives*, which includes the State Water Board's antidegradation policy (Resolution 68-16). Porter-Cologne authorizes the Water Board to establish a *program of implementation* for water quality protection in California. A program of implementation includes actions necessary to achieve objectives, a time schedule for the actions to be taken, and monitoring to determine compliance with water quality objectives and protection of beneficial uses of water. Changes to water quality standards (beneficial uses and water quality objectives) require a Basin Plan amendment.

Water quality standards (beneficial uses and water quality objectives) are set forth in Basin Plan Chapters 2, 3, and 5 and can be viewed at:

(http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

The Basin Plan's beneficial use tables (Tables 2-1 and 2-2) include both existing and potential beneficial uses.

**Triennial Review Process and Public Participation**

The Water Board's 2018 Triennial Review Process involves:

- Publicly noticing two Triennial Review workshops held in July 2018 and September 2018 through the Water Board's electronic mailing lists for: Basin Planning – Regionwide, Triennial Review, Board Meetings, Climate Change, and TMDLs – 303(d) List, and notified recipients that future correspondence would be delivered to the Triennial Review electronic mailing list.

- Publishing the hearing notice, brief list of potential projects, 2015 Triennial Review List status update, and draft staff report on the Water Board's webpage.

- Providing a public review period for draft Triennial Review Lists, and solicitation for additional 2018 Triennial Review projects and written comments.

- Publishing the hearing notice for the November 2018 public hearing where the Water Board will consider adopting the 2018 Triennial Review List.



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- Preparing written responses to public comments. All written comments and responses will be provided to the Water Board before the November 2018 public hearing.

- Receiving public comment at the July 2018 and September 2018 public workshops, and the November 2018 public hearing.

- The Water Board's consideration of a resolution establishing its 2018 Triennial Review List and identifying the priority basin planning projects to be addressed by staff during the 2019 - 2021 Triennial Review period.

- Submitting the adopted 2018 Triennial Review List to the State Water Resources Control Board (State Water Board) and U.S. Environmental Protection Agency.

**The Nature of Triennial Review Projects**

All Triennial Review projects involve either actual changes to Basin Plan water quality standards (beneficial uses, beneficial use designations, water quality objectives, control measures), or evaluating and determining the appropriate approach to addressing issues related to Basin Plan water quality standards. Not all Triennial Review projects result in a Basin Plan amendment, but all Triennial Review projects involve Basin Plan elements. Generally, Triennial Review projects can be placed into one of two categories:

1. Basin Plan amendments
2. Research, analysis, and/or assessment for determining if a Basin Plan amendment is appropriate.

An example of a proposed 2018 Triennial Review project in the first category is the Basin Plan amendment revising Mojave River Surface Water Beneficial Uses. The research and analysis have already been completed and support preparing and presenting a Basin Plan amendment to the Water Board for considering its adoption. If adopted, the project will also include pursuing State Water Board approval, and subsequently, U.S. Environmental Protection Agency approval. It is important to remember that the actual Basin Plan amendment is the final action or step following extensive research, analysis, and other activities. These activities that lead up to and support a Basin Plan amendment are typically conducted by Water Board staff that are involved with the regulatory programs whose issues will be addressed by the Basin Plan amendment.

An example of a proposed 2018 Triennial Review project in the second category is the Climate Change Adaptation and Mitigation Strategy (Strategy) project. Water Board staff continues to develop its proposed Strategy for the Lahontan Region. The Water Board is scheduled to consider the proposed Strategy for adoption in early 2019. The Strategy will have several recommended actions, some of which may be implemented



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through regulatory/permitting actions and others that may require basin planning actions. For example, requiring certain dischargers to conduct infrastructure risk assessments can be done through regulatory/permitting actions such as amending existing permits and monitoring programs. An example of expanding waste discharge prohibitions for floodplain protection beyond Lake Tahoe and the Truckee River would require a Basin Plan amendment; once the prohibitions are part of the Basin Plan, the new prohibitions could then be used in regulatory/permitting actions.

**Planning Considerations**

***Prioritization***. The Clean Water Act requires the Water Board to give a generalized ranking of the projects by priority. The 2018 Triennial Review List (Table 1) provides general prioritization informed by multiple factors, including Water Board direction and/or key priority (e.g., human health protection, environmental health protection/improvement, climate change), State Water Board guidance, stakeholder input/support/collaboration, region-wide applicability, current staff engagement and anticipated project completion, and regulatory clarity. Additionally, Table 1 identifies specific actions related to each project that staff expects to complete in the subsequent three-year period.

***Budget.*** The Water Board's basin planning resources are limited. The Planning and Assessment Unit, which is largely responsible for implementing the Water Board's Basin Planning, Total Maximum Daily Load (TMDL), and Surface Water Ambient Monitoring (SWAMP) Programs, includes four Environmental Scientists, a Water Resources Control Engineer, and a Scientific Aide, who are supervised by a Senior Environmental Scientist. These staff are responsible for water quality monitoring and assessment (SWAMP and Integrated Report) and addressing impaired waters for the entire Lahontan Region (TMDL program), in addition to working on basin planning projects identified and prioritized by the Triennial Review List. Meeting some of the Unit's responsibilities, including those identified in the Triennial Review List, may require contracted studies for data collection (e.g., special monitoring studies to facilitate updating water quality objectives) or predictive modeling. Additionally, the Triennial Review List includes several projects requiring research and analytical work by other Water Board staff that will eventually support either an actual Basin Plan amendment or an alternative non-basin planning action.

While the basin planning resources are limited, some of the projects may be able to progress more quickly if external entities provide resources, such as performing technical analyses and related tasks. Assistance from external entities has the potential to make significant progress on a project, but only Water Board staff can carry a Basin Plan amendment through the regulatory approval process.

***Projects Needing Additional Funding.*** The State Water Board's guidance for the Triennial Review process asks Regional Water Boards to identify planning projects that would require additional funding to address. Therefore, the Water Board's Triennial Review List will identify basin planning and related activities targeted for progress



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during the following three years (2019 - 2021), and those requiring additional funding to be addressed during this time period. The 2018 Triennial Review List (Table 1) is prioritized. Projects that do not have dedicated funds are *not* highlighted in yellow and are "below the line," and staff will work on them when resources become available.

***Basin Plan Amendment Process.*** Not all projects identified in a Triennial Review List will culminate in Basin Plan amendments. The projects that do typically require significant research and analysis to support the resulting Basin Plan amendment. In many cases, the Basin Plan amendment is addressing one or more program-specific issues, and the research and analytical work is best conducted by Water Board staff working within such programs (e.g., NPDES, Storm Water, Land Disposal). Research for Basin Plan amendments can include scientific literature review and/or water quality monitoring or special studies conducted by Water Board staff or contractors. Scientific peer review is required for amendments involving scientific judgment, and the reviewer's comments may result in significant changes to preliminary draft amendments before they are released for public review. The basin planning process can require six months to more than a year to account for public input, environmental documentation, peer review, and Water Board action. An additional nine months or more can be required after Water Board action for the amendments to receive all subsequent approvals at the state and federal levels. Following Water Board adoption, amendments must be approved by the State Water Board, the California Office of Administrative Law (OAL), and in some cases, the U.S. Environmental Protection Agency. To facilitate the OAL review process, staff prepares and indexes a detailed administrative record.

**2018 Triennial Review Planning Projects**

Table 1, attached, identifies 19 currently proposed basin planning projects for the 2018 Triennial Review period. Water Board staff proposes dedicating resources to the following 10 projects for the 2018 Triennial Review period.

***Ongoing Work***. Water Board staff made significant progress towards completing the projects listed, below, during the 2015 Triennial Review period. Staff is proposing to dedicate adequate resources to complete the projects identified, below, during the 2018 Triennial Review period.

- Mojave River Surface Water Beneficial Use Revisions (Basin Plan amendment)
- Site Specific Water Quality Objectives for Mojave Ground Water Basins (Strategy development)
- Remove Lake Tahoe Prohibition on New Pier Construction (Basin Plan amendment)

***2015 Projects to Commence in the 2018 Cycle***. The projects listed, below, are identified in the 2015 Triennial Review List, but received very little or no resources during the 2015 Triennial Review period. Their priority is being elevated in the 2018 Triennial Review List due to (1) actions/activities completed by other parties, (2)

support by other parties, (3) related to other high-priority projects, and/or (4) easily incorporated into a proposed Basin Plan amendment.

- Evaluate Bacteria Water Quality Objectives (Analysis and strategy development/implementation)
- Truckee River Embedded/Deposited Sediment Objective (Strategy development)
- Riparian Protection Policy (Needs evaluation and strategy development)
- Editorial Revisions, Corrections, and Incorporation of Adopted State Water Board Policies (Basin Plan amendment)

***New Projects Receiving Resources***. The projects listed, below, have been identified by Water Board members, staff, and/or stakeholders since the 2015 Triennial Review List was adopted.

- Climate Change Adaptation and Mitigation Strategy (Basin planning needs assessment)
- Source Water Protection (Policy development)
- Tribal and Subsistence Beneficial Uses (Coordination and collaboration with Tribal organizations)

***New Projects Without Resources***

- Develop New Beneficial Use-Based Water Quality Objectives (Evaluate options/approaches)
- Clean Water Act 304(a) Water Quality Criteria (Incorporate new U.S. Environmental Protection Agency criteria into the Basin Plan)

**2018 Triennial Review List Resources**

In adopting the 2018 Triennial Review List, the Water Board will identify the basin planning projects Water Board staff will focus its resources upon during the following three years. Table 1 highlights these 10 projects in yellow. Basin planning projects can take multiple years. For that reason, Table 1 also identifies specific actions staff anticipates completing during the next three years. For projects identified as "below the line," Table 1 also includes specific actions. Please note that for the projects listed below the line, staff does not anticipate working on these projects in the next three years without new resources, unless the Water Board or its Executive Officer raise the priority or if other resources (such as from an external entity) allow work to progress on one of the below the line projects

Schedules for addressing the projects identified will depend upon the complexity of the selected matters and available resources. As discussed, above, additional basin planning activities may be identified because of completing work on projects identified in the 2018 Triennial Review List. Work on such basin planning activities could be initiated during the 2018 Triennial Review period, or later depending upon available resources and Water Board priorities. Additionally, if important new topics arise before the next Triennial Review (2022 - 2024), basin planning priorities may be revised by the Water Board or its Executive Officer. If additional funding is received or outside

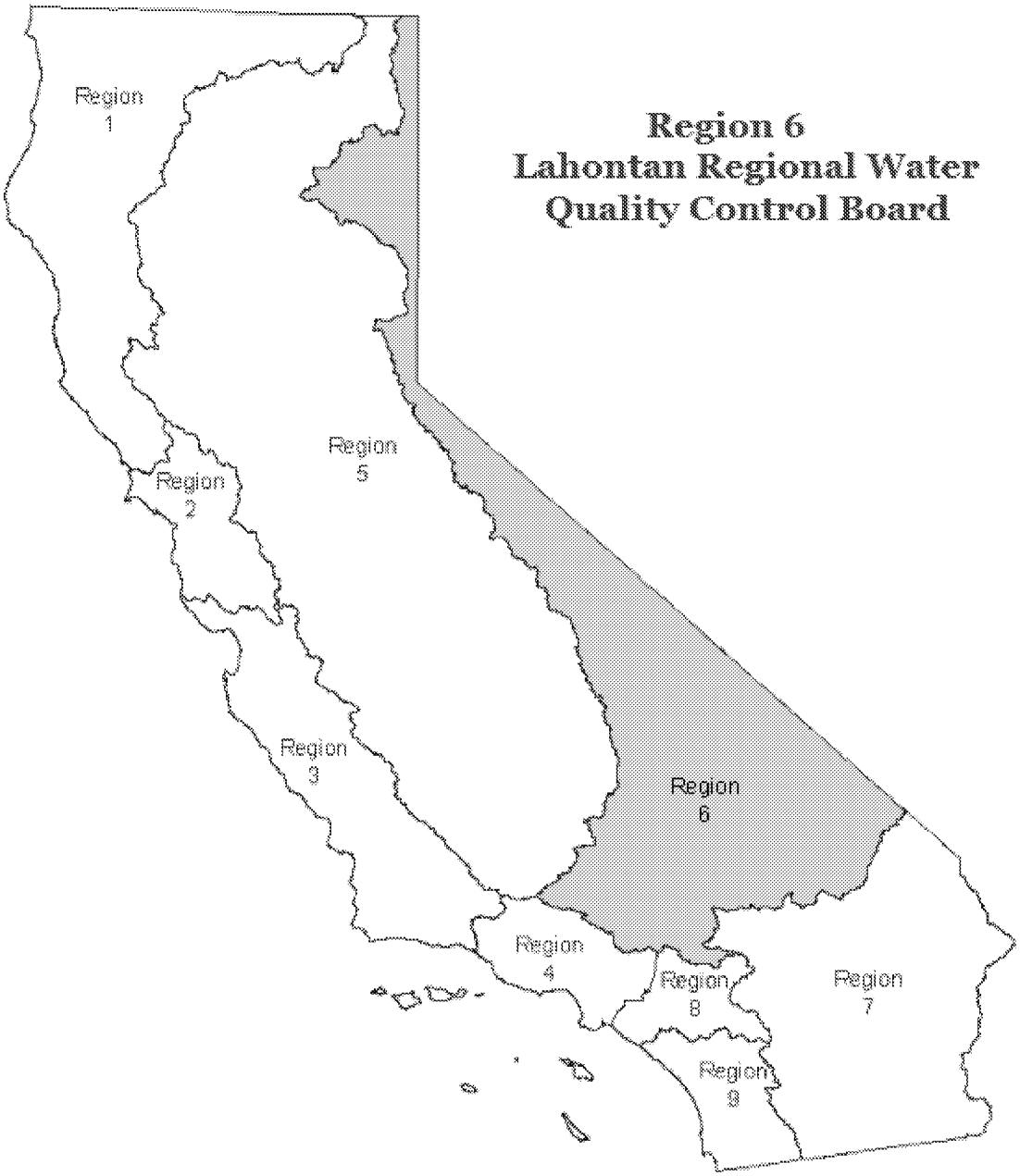
support provided, staff will attempt to address one or more of the projects currently shown “below the line.”

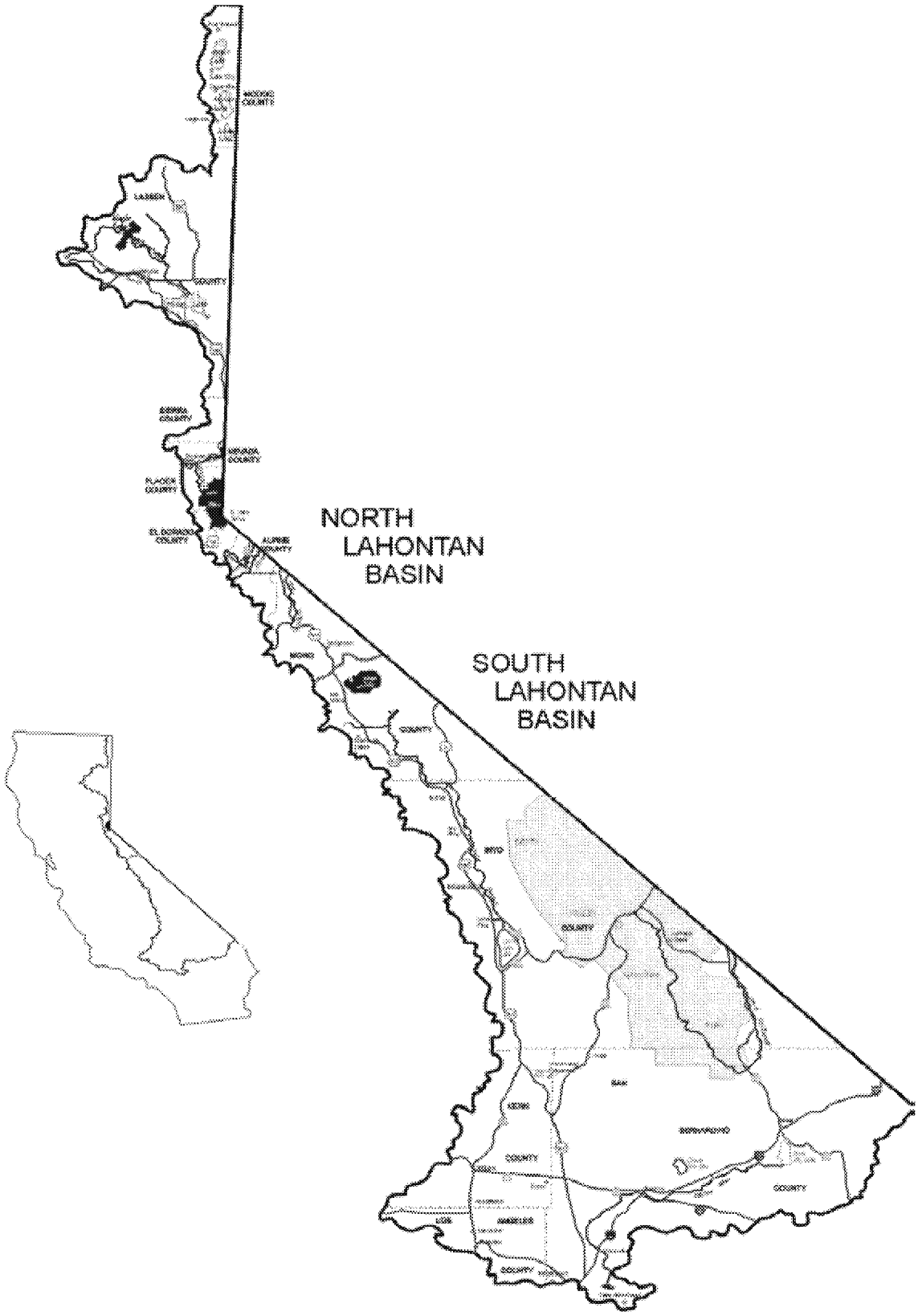
**Attachments**

Figure 1. Map of the Lahontan Region

Table 1. 2018 Triennial Review List

Figure 1 - Mapped Boundary of Lahontan Region




NORTH
LAHONTAN
BASIN
SOUTH
LAHONTAN
BASIN

## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps* |
|---|---|---|---|---|
| 1 | Evaluate Bacteria Water Quality Objectives | Evaluate Basin Plan fecal coliform objectives for surface waters and clarify their regulatory and assessment applications considering the State Water Board's recently adopted statewide bacteria objective for REC-1 beneficial use. | • Improve regulatory clarity<br>• Region-wide applicability<br>• State Water Board guidance | Begin work in Year 1:<br>• Evaluate regional data<br>• Consult stakeholders<br>• Develop strategy |
| 2 | Climate Change Adaptation and Mitigation Strategy | Water Board is currently developing a Climate Change Adaptation and Mitigation Strategy (Strategy).If adopted, identify, prioritize, and begin work on the Strategy's recommended priority actions requiring basin planning response(s). Additionally, evaluate opportunities to incorporate/address Source Water Protection (priority Project 3) and Riparian Protection Policy (priority Project 4) elements. | • Water Board priorities (human health protection and environmental health protection/ restoration)<br>• Region-wide applicability<br>• Stakeholder collaboration/ support | Begin work in Year 1:<br>• Identify and prioritize basin planning-related recommendations<br>• Evaluate opportunity to address Project 3 and Project 4 goals/objectives<br>• Initiate work on highest-priority recommendation(s), as guided by Strategy and resources |
| 3 | Source Water Protection | Identify potential basin planning activities necessary to further improve source water protection within the Lahontan Region. Source waters include headwaters for surface waters usually in the mountains and groundwater recharge areas typically near the base of mountains. | • Water Board priorities (human health protection and environmental health protection/restoration)<br>• Region-wide applicability | Continue work in Year 1:<br>• Continue coordination with State Water Board on state-wide policy development<br>• Identify opportunities to address project goals/objectives through Project 2. |
| 4 | Riparian Protection Policy | Evaluate need to develop a policy or revise or add Basin Plan control measures to prevent/minimize/mitigate impacts of hydromodification upon groundwater and surface water beneficial uses | • Water Board priorities (environmental health protection/restoration)<br>• Region-wide applicability | Begin work in Year 2 or 3:<br>• Evaluate need for and identify scope of Basin Plan control measures or policy development<br>• Evaluate opportunities to address project goals/objectives through Project 2 and/or Project 3 |

*Staff plans to provide the Water Board with project updates through a combination of EO Report articles and status reports.



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps* |
|---|---|---|---|---|
| 5 | Mojave River Surface Water Beneficial Use Revisions | Basin Plan amendment involving the following revisions.<br>• Add BIOL and RARE to specific reaches of Mojave River and its tributaries<br>• Remove COLD from specific reach<br>• Clarify use of existing water quality objectives for the floodplain aquifer. | • Underway/near completion<br>• Regulatory clarity<br>• Stakeholder support | Complete work in Year 1:<br>• Complete Staff Report and Use Attainability Analysis<br>• Complete Substitute Environmental Document<br>• Public workshop<br>• Adoption hearing |
| 6 | Site-Specific Water Quality Objectives for Mojave Ground Water | Staff will evaluate groundwater quality information to determine whether it is appropriate to set specific WQOs. | • Underway<br>• Regulatory clarity<br>• Stakeholder support | Continue work in Year 1:<br>• Prioritize ground water sub-basins for evaluation<br>• Evaluate available data/information and determine if it is adequate for determining the need for and ability to develop new water quality objectives<br>• Develop strategy, including stakeholder involvement and schedule, to develop new water quality objectives where appropriate |
| 7 | Remove Lake Tahoe Prohibition on New Pier Construction | This project will remove language in the Basin Plan that conflicts with TRPA's Code of Ordinances regarding new pier construction. | • Underway<br>• Regulatory clarity | Complete work in Year 1:<br>• Complete Staff Report<br>• Complete Substitute Environmental Document<br>• Public workshop<br>• Adoption hearing |

*Staff plans to provide the Water Board with project updates through a combination of EO Report articles and status reports.



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps* |
|---|---|---|---|---|
| 8 | Tribal and Subsistence Beneficial Uses | Add Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing beneficial uses (CUL, T-SUB, SUB) to the Basin Plan. Engage with tribes to identify waters that support Tribal beneficial uses | • Water Board priorities (human health protection)<br>• Tribal requests<br>• Environmental justice/ disadvantage communities | Begin work in Year 1:<br>• Develop and implement Tribal consultation process<br>• Develop approach and schedule to incorporate beneficial uses into the Basin Plan and to designate waterbodies with those uses |
| 9 | Truckee River Embedded/Deposited Sediment Objective | Evaluate whether to propose a new water quality objective for deposited/embedded sediment for the Middle Truckee River to address impairment of COLD and SPWN beneficial uses. The current TMDL is based on the water quality objective for suspended sediment which is not effective at addressing the impairment of COLD and SPWN beneficial uses. | • Water Board priorities (environmental health protection/restoration)<br>• Stakeholder support/collaboration | Begin work in Year 1:<br>• Collaborate with Truckee River Watershed Council to develop strategy regarding data collection, analysis, and needs assessment<br>• Evaluate options for addressing beneficial use impairment following data collection, analysis, and needs assessment |
| 10 | Editorial Revisions, Corrections, and Incorporation of Adopted State Water Board Policies | Miscellaneous corrections and improvements, such as:<br>• Correcting square mile number for Region and features in the wrong watershed<br>• Consistent use of terms<br>• Correct and updated references to policies and plans<br>• Formatting changes | • Basin Plan accuracy and ease of use<br>• Potential to combine with other basin planning actions | Begin work in Year 2 or 3:<br>• Identify other basin planning efforts where these needs could be incorporated |

*Staff plans to provide the Water Board with project updates through a combination of EO Report articles and status reports.



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps |
|---|---|---|---|---|
| 11 | Develop New Beneficial Use-Based Water Quality Objectives | Add new water quality objectives (WQOs) to the Basin Plan based on protection of beneficial uses. Note that this project could also address or facilitate progress on the following projects identified on the 2015 Triennial Review List:<br>• Mean of Monthly Means<br>• Region-wide Approach to TDS Water Quality Objectives for Surface Waters<br>• Susan River Site-Specific Objectives<br>• Water Quality Objectives for Leviathan and Bryant Creeks<br>• Revise Hot Creek Water Quality Objectives<br>• Site-Specific Objectives for Fish Springs | Staff posits a need to develop water quality objectives that are associated with the protection of specific beneficial uses. This is a complex topic that is influenced by, and will influence, such things as 303(d) list development, permits, and anti-degradation evaluations. There are more immediate Basin Planning needs, and so staff proposes postponing this project, which has potential to displace all above projects, and recommends this project be prioritized in the 2021 Triennial Review. | • Identify and evaluate options/approaches regarding developing new beneficial use-based water quality objectives and how existing water quality objectives will be used. |
| 12 | Evaluate New Section CWA 304(a) Criteria | Identify new or updated Clean Water Act section 304(a) water quality criteria published by the USEPA for incorporation into the Lahontan Basin Plan. This project would also incorporate the 2015 Triennial Review project "Biotic Ligand Model for Copper," which is a 2007 USEPA national criteria. | With some exceptions, the new 304(a) criteria contaminants revise criteria included in the California Toxics Rule, which the Water Board does not have the ability to modify. The State Water Board addressed updated bacteria ambient water quality criteria for recreational waters and has a project underway to address cadmium. It is most efficient for the State Water Board to adopt those 304(a) criteria (when more stringent than existing water quality objectives) as statewide WQOs. | • Work with State Water Board and recommend that State Water Board address this evaluation on a state-wide basis<br>• Evaluate new or revised CWA section 304(a) recommended water quality criteria for incorporation into the Basin Plan as water quality objectives |



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps |
|---|---|---|---|---|
| 13 | Eagle Lake "Building Moratorium" | Reevaluate the Basin Plan's waste discharge prohibition establishing a maximum development density of one single family dwelling equivalent per 20 acres for new development discharging waste to subsurface disposal systems in the Eagle Drainage Hydrologic Area (Eagle Lake watershed excluding the Stones-Bengard, Spalding Tract, and Eagle's Nest subdivisions) in light of the State Water Board's Onsite Wastewater Treatment System Policy. This prohibition has restricted development in the rural area not serviced by a community service district who provide sewer and waste disposal. | • Lahontan Water Board staff in the permitting program is evaluating alternatives to address this issue | • Develop Guidance document identifying alternative approach(es)<br>• Evaluate how to implement the guidance and determine if a Basin Plan amendment is necessary |
| 14 | Water Quality Objectives for Lake Tahoe Nearshore | Evaluate research findings to determine if new nearshore water quality standards are necessary. | • Water Board-funded research effort currently underway<br>• Research findings and recommendations will be developed during the next 3 to 5 years<br>• Research findings and recommendations are important to evaluate if new water quality standards are necessary | • Evaluate research findings and determine need for new water quality standards |
| 15 | Biological Indicators | Develop narrative and/or numeric biological objectives (i.e., biocriteria) to protect the biological integrity of the Region's surface waters. | • Project goal/objectives may be addressed by State Water Board's developing Biological Integrity Project | • Monitor and participate in State Board efforts<br>• Evaluate need for region-specific water quality objectives |



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## Table 1 – Proposed 2018 Triennial Review List

| Priority | Project | Description | Prioritization | Next Steps |
|---|---|---|---|---|
| 16 | Instream Flow Criteria | Evaluate developing narrative or site-specific numeric flow criteria and/or WQOs for flow requirements. | • State Water Board (DWQ, Water Rights) In-Stream Flow Program under development<br>• Project goals/objectives may in part be addressed by Project 2 | • Prioritize needs by waterbody and beneficial use<br>• Use State Water Board metrics to determine recommended flow levels |
| 17 | Remove Beneficial Uses from Piute Ponds Wetlands | Remove Groundwater Recharge (GWR) and Agricultural Supply (AGR) beneficial uses from the Piute Ponds and wetlands in the Amargosa Creek watershed eastern Los Angeles County. | • Need to reevaluate need for project with Discharger that requested project. | • Stakeholder and tribal engagement<br>• Conduct Use Attainability Analysis |
| 18 | Clarify Policy on Package Plants | Clarify language regarding package plants, as necessary, which may require a Basin Plan amendment. | • Project goals/objectives may be addressed through non-basin planning action. | • Evaluate need for revising Basin Plan language. |
| 19 | Revise PCPs Water Quality Objectives | The USEPA recommended revising water quality objectives for pentachlorophenol (PCPs), where appropriate. | • Defer and recommend to State Water Board addressing matter on a state-wide basis | |



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# ENCLOSURE 6

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**LAHONTAN REGION**

**2018 Triennial Review**
**Comment Letters and Responses to Comments**

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Water Board staff received 16 comment letters related to the 2018 Triennial Review. The table below lists the attached letters in order of date received.

| | Project | Author | Organization | Comment Code | Received |
|---|---|---|---|---|---|
| 1 | Evaluate Bacteria Water Quality Objectives | Karl Wilbur, Director of Government Affairs | California Cattlemen's Association | CCA | 9/20/18 |
| 2 | Section 304(a) ammonia criteria recommended by US EPA in 2013<br><br>Removal of GWR and AGR Beneficial uses from Piute Ponds wetlands | Ann Heil, Section Head, Reuse and Compliance Department | Los Angeles County Sanitation Districts | LACSD | 9/21/18 |
| 3 | Evaluate Bacteria Water Quality Objectives | Katherine Rubin, Manager of Wastewater Quality and Compliance | Los Angeles Department of Water and Power | LADWP | 9/24/18 |
| 4 | Evaluate Bacteria Water Quality Objectives | Theresa A Dunham, Somach Simmons & Dunn | Centennial Livestock | CL | 9/24/18 |
| 5 | Middle Truckee River Objective for Deposited or Embedded Sediment | Lisa Wallace, Executive Director; Matt Freitas, Program Manager | Truckee River Watershed Council | TRWC | 9/24/18 |
| 6 | Section 304(a) USEPA recommended criteria | Mathew Mitchell, Water Quality Assessment Section | USEPA | USEPA | 9/24/18 |
| 7 | Site-Specific Water Quality Objectives for Mojave Ground Water | Lance Eckhart, PG, CHG, Director of Basin Management and Resource Planning | Mojave Water Agency | MWA | 9/24/18 |
| 8 | Tribal Beneficial Uses | Peter Bernasconi, PE, Public Works Director | Bishop Paiute Tribe | BTPW | 9/24/18 |
| 9 | Tribal Beneficial Uses | Teri Red Owl, Executive Director | Owens Valley Indian Water Commission | OVIWC | 9/24/18 |

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|---|---|---|---|---|---|
| 10 | Tribal Beneficial Uses | Charlotte Lange, Chairperson | Mono Lake Kutzadika Tribe | MLK | 9/24/18 |
| 11 | Tribal Beneficial Uses | Mary Wuester, Tribal Chairperson | Lone Pine Paiute-Shoshone Reservation | LPW | 9/24/18 |
| 12 | Tribal Beneficial Uses | Mel O. Joseph, Environmental Director | Lone Pine Paiute-Shoshone Reservation | LPJ | 9/24/18 |
| 13 | Tribal Beneficial Uses | Kristopher Hohag, member | Bishop Paiute Tribe member | Hohag | 9/24/18 |
| 14 | Tribal Beneficial uses | BryAnna Vaughan | Concerned citizen | BV | 9/24/18 |
| 15 | Tribal Beneficial Uses | Monty J. Bengochia, Tribal Historic Preservation Office | Bishop Paiute Tribe | BTHPO | 9/24/18 (email); 9/28/18 (mail) |
| 16 | Tribal Beneficial Uses | Alan Bacock, Water Program Coordinator | Big Pine Paiute Tribe of the Owens Valley | BPPT | 9/24/18 |

| Comment | Response |
|---|---|
| **CALIFORNIA CATTLEMEN'S ASSOCIATION**<br>1221 H STREET - SACRAMENTO, CALIFORNIA - 95814-1910<br>SERVING THE CATTLE COMMUNITY SINCE 1917<br>PHONE: (916) 444-0845<br>FAX: (916) 444-0194<br>www.calcattlemen.org<br>*Submitted via email to Lahontan@waterboards.ca.gov*<br>September 20, 2018<br>Daniel Sussman<br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>**Re: 2018 Triennial Review Comments**<br>Dear Mr. Sussman:<br>The California Cattlemen's Association (CCA) appreciates the opportunity to provide feedback regarding the Revised Draft Project List for the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region. CCA is a statewide trade organization representing more than 1,700 cattle ranchers and beef producers throughout California, including numerous ranchers throughout the Lahontan region. CCA's members pride themselves on being responsible stewards of the state's land, water, and wildlife, and seek to incorporate into their ranching operations responsible management practices informed by the best available science to ensure that our water remains healthy for Californians and sustainable for future generations of agricultural producers.<br>**CCA urges the Lahontan Water Board to designate "Revise Water Quality Objectives for Bacteria" as the number one priority for the 2018 Triennial Review** as proposed in the August 22 version of Table 4, "Draft 2018 Review Proposed Topics." CCA1<br>The Lahontan Basin Plan currently sets a geometric mean for fecal coliform at 20/100mL.[1] CCA has repeatedly objected to this overly-restrictive fecal coliform standard.[2] In short, our concerns have been as follows: (1) that the restrictive standards appear to lack adequate scientific basis showing a necessity for the more restrictive objectives, (2) that the restrictive fecal coliform standards are unachievable under any circumstances, including where ranchers cooperate with regional water board staff and adhere to best management practices, and (3) that the more restrictive standards place ranchers in the Lahontan Region at a distinct economic disadvantage to ranchers throughout the rest of California and the rest of the country. CCA2<br>[1] STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION, WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION 3-4 (March 31, 1995 (amendments effective Aug. 1995-Dec. 2005), *available at* http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/docs/ch3_wqobjectives.pdf.<br>[2] *See, e.g.*, Letter from Kirk Wilbur, Director of Government Relations, California Cattlemen's Association to Jeanine Townsend, Clerk to the Board, State Water Resources Control Board (Feb. 20, 2015); Letter from Kirk Wilbur, Director of Government Relations, California Cattlemen's Association and Jack L. Rice, Associate Counsel, California Farm Bureau Federation to Felicia Marcus, Chair, State Water Resources Control Board (May 30, 2014); Letter from Margo Parks, Associate Director of Government Relations, California Cattlemen's Association and Kari Fisher, Associate Counsel, California Farm Bureau Federation to the Lahonian Regional Water Quality Control Board (November 2013).<br>DAVE DALEY, PRESIDENT, OROVILLE<br>ROB VON DER LIETH, TREASURER, COPPEROPOLIS<br>BILLY GATLIN, EXECUTIVE VICE PRESIDENT, SACRAMENTO<br>MIKE MILLER, SECOND VICE PRESIDENT, MT. HAMILTON<br>PAT KIRBY, SECOND VICE PRESIDENT, WILTON<br>MARK LACEY, FIRST VICE PRESIDENT, INDEPENDENCE<br>MIKE SMITH, FEEDER COUNCIL CHAIR, SELMA<br>CINDY TEWS, SECOND VICE PRESIDENT, FRESNO<br>TREVOR FREITAS, FEEDER COUNCIL VICECHAIR, EIFTON | The Lahontan Water Quality Control Board (Water Board) staff's proposal to rank Evaluating Bacteria Water Quality Objectives prescribed by the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) is the highest priority project for the 2018 Triennial Review. Water Board staff is now in a position to move forward with this project because the State Water Resources Control Board (State Board) recently adopted bacteria objectives for the water contact beneficial use (i.e., REC-1) for surface waters state-wide.<br><br>The State Board's recently adopted bacteria objective for REC-1 beneficial uses, based on *E. coli*, is less stringent than the Water Board's current fecal coliform objective of 20/100 ml. Because of this difference, Water Board staff's next steps for this project include regional data evaluation and consultation with stakeholders, leading to a strategy for identifying and implementing recommendations regarding the Lahontan Water Board's bacteria objectives. The California Cattlemen's Association (CAA) and other stakeholders will continue to have opportunities to participate throughout this project. Water Board staff encourages the CCA to work with its members to provide any and all pertinent water quality monitoring data to the Water Board, so that decisions are, in part, based upon comprehensive data for the region. |

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| CCA encourages the Lahontan Board to prioritize revising the Region's water quality objectives for bacteria and urges the Board to work with stakeholders (including CCA and impacted ranchers) to develop bacterial standards which are more in line with water quality objectives adopted throughout the rest of the state.<br><br>Sincerely,<br><br>Kirk Wilbur<br>Director of Government Affairs | |

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| COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY<br><br>1955 Workman Mill Road, Whittier, CA 90601-1400<br>Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998<br>Telephone: (562) 699-7411, FAX: (562) 699-5422<br>www.lacsd.org<br><br>GRACE ROBINSON HYDE<br>*Chief Engineer and General Manager*<br><br>September 21, 2018<br>File No. 31-370-40.4A<br><br>***Via Electronic Mail***<br>Daniel Sussman<br>California Regional Water Quality Control Board<br>Lahontan Region, Lake Tahoe Office<br>2501 Lake Tahoe Boulevard<br>South Lake Tahoe, CA 96150<br><br>Dear Mr. Sussman:<br><br>**2018 Triennial Review of the Lahontan Basin Plan**<br><br>Thank you for the opportunity to provide comments on the Triennial Review of the Water Quality Control Plan for the Lahontan Region (Basin Plan). County Sanitation Districts Nos. 14 and 20 (Sanitation Districts) operate two water reclamation plants (WRPs) within the jurisdiction of the California Regional Water Quality Control Board, Lahontan Region (Regional Board). The Palmdale and Lancaster WRPs operate under Regional Board orders and may be impacted by modifications to the Basin Plan. The Sanitation Districts are pleased to provide comments on two projects from the August 2018 Revised Draft Project List.<br><br>**Section 304(a) Recommended Criteria**<br><br>Revisions to the federal Water Quality Standards (WQS) regulations at 40 C.F.R. Part 131 direct states and authorized tribes to consider for adoption as water quality objectives, new or updated CWA section 304(a) water quality criteria recommendations published by the USEPA since May 30, 2000 during their next triennial review. The Sanitation Districts support the prioritization of a review of current recommended water quality criteria, specifically the 2013 national recommended ambient water quality criteria for the protection of aquatic life from the toxic effects of ammonia. The 2013 ammonia criteria recommendations take into account the latest freshwater toxicity information for ammonia, including toxicity studies for sensitive unionid mussels and gill-breathing snails. LACSD1<br><br>**Removal of Beneficial Uses**<br><br>The Sanitation Districts request that the Regional Board consider as a high priority for the 2018 Triennial Review the examination of Beneficial Use (BU) designations for Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds (also known as "Paiute Ponds"), and the Piute Ponds Wetlands, all of which are located in the Lancaster Hydrologic Area (HU 626.50). The Regional Board has put forth substantial efforts toward designating specific BUs for Piute Ponds in the past and has repeatedly indicated its intent[1,2] to consider changes in the designation of other BUs, specifically Ground<br><br>[1] Letter to Sanitation Districts from Regional Board, "*Comments On Los Angeles County Sanitation Districts' October 2003 Aquatic Biological Survey and Beneficial Use Designation Reports for Paiute Ponds, Amargosa Creek, and Rosamond Dry Lake*," January 20, 2004.<br><br>DM8472666.1 | Lahontan Regional Water Quality Control Board (Water Board) staff agrees that water quality objectives should be based upon the most current and applicable science. Water Board staff also believes it is more efficient for the State Water Resources Control Board (State Water Board) to take action incorporating U.S. Environmental Protection Agency recommended water quality criteria rather than the nine regional water boards doing so independently. It may also be necessary for the State Water Board to address multiple constituents covered by the California Toxics Rule. For these reasons, Water Board staff is recommending identifying the Evaluate Section 304(a) Criteria project as "below the line." |

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| Daniel Sussman -2- September 21, 2018<br><br>Water Recharge (GWR) and Agricultural Supply (AGR). This specific issue was considered in the 2009, 2012, and 2015 Triennial Reviews and was identified by the Regional Board as a priority, but one that would require additional resources in order to be addressed.[1] The Sanitation Districts support efforts to de-designate these BUs, and recommend elevating the priority of this project because these beneficial uses do not exist nor are anticipated to potentially exist for these receiving waters and could become an urgent issue for Sanitation Districts' operations. | LACSD2 | Before the Ground Water Recharge and Agricultural Supply beneficial uses are considered for de-designation in the Amargosa Creek section downstream of Lancaster Water Reclamation Plant discharge, Water Board staff will be scheduling a meeting with the Sanitation District to better understand the issues you noted. |
| *Ground Water Recharge (GWR)*<br><br>The Sanitation Districts have invested considerable resources to investigate potential impacts from its surface water discharge upon groundwater. From these evaluations, the Sanitation Districts have provided the Regional Board with technical evidence indicating that the GWR BU is an inappropriate designation for Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, or the Piute Ponds Wetlands. Since submitting the related reports, *"Geohydrologic Investigation Using Direct Push Techniques at Paiute Ponds Near Lancaster Water Reclamation Plant"* (January 1999), "*Beneficial Use Designation Report*" (October 2003), and "*Addendum to Final Report, Beneficial Use Designation Report*" (August 2004), the Sanitation Districts have investigated the areas of Amargosa Creek, Piute Ponds and Rosamond Dry Lake as part of the Lancaster WRP Groundwater Monitoring Plan. In accordance with waste discharge requirements,[4] this Groundwater Monitoring Plan was implemented to investigate the potential impacts to the underlying groundwater resulting from Lancaster WRP discharges to the receiving surface water. Findings of this study were submitted to the Regional Board in the report, "*Lancaster Water Reclamation Plant Groundwater Monitoring Plan: Evaluation of Phase II Investigation Results at Piute Ponds*" in December 2005. | LACSD3 | Water Board staff is proposing that this project continue to be identified as requiring additional resources to proceed. However, Water Board staff also proposes to review the results of the Sanitation District's investigative work, and to discuss the potential for alternative approaches, including direct assistance from Sanitation District staff to work on this project because of our limited resources. The desired outcome of such discussions would be consensus regarding the optimal approach to addressing the situation and elevating the project's priority in the next Triennial Review. |
| The results from these comprehensive analyses are consistent; there is no significant recharge to the groundwater aquifer below Piute Ponds and Rosamond Dry Lake, due to the presence of a thick lacustrine clay layer. Shallow water exists below the Piute Ponds area, but it is isolated from the groundwater aquifer by this clay layer, which dips to the west or southwest of Piute Ponds. Since this shallow groundwater below Piute Ponds has the potential to flow down the slope of the lacustrine clay layer and contribute to the observed perched intervals, creating the possibility of contributing to recharge of the regional groundwater aquifer, the Sanitation Districts retained Geochemical Technologies Corporation (GTC) to further investigate this hypothesis. GTC evaluated hydrogeological and groundwater quality data, and, based on this evaluation, concluded that there is insignificant or no recharge to the regional groundwater aquifer under the Lancaster WRP receiving waters because there appears to be no mechanism that provides a pathway for recharge. The findings of this study are included in the previously submitted memorandum, "*Subsurface Geohydrology Project: Paiute Ponds*" (December 2006), prepared by GTC. Finally, this shallow aquifer should not be considered a future groundwater resource due to the existing water quality; the total dissolved solids (TDS) in the shallow aquifer are above the drinking water maximum contaminant level (MCL) and any recharge of this aquifer would increase these TDS concentration due to the presence of soluble salts in the shallow soils of the Antelope Valley.[5] In summary, these waterbodies should not be designated for existing or potential BU for natural or artificial recharge of ground water for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers (i.e., GWR). | LACSD4 | |

[1] Lahontan Regional Board, "*Technical Staff Report: Revised Water Quality Standards for Surface Waters of the Antelope Hydrologic Unit,*" August 2007.
[3] Regional Board Resolutions R6T-2009-013, R6T-2013-0008, and R6T-2015-0051.
[4] Lahontan Regional Board Order No. R6V-2002-053, adopted September 11, 2002.
[5] U.S. Department of Agriculture (Soil Conservation Service) and University of California (Agriculture Experiment Station), 1970, Soil Survey Antelope Valley Area, California, January. (USDA, 1970, Jan).

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| Daniel Sussman -3- September 21, 2018<br><br>*Agricultural Supply (AGR)*<br><br>The waters of Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, and the Piute Ponds Wetlands have not been used for farming, horticulture, or ranching (i.e., AGR) since, at least, 1968, the date the Regional Board uses for the purpose of determining an "existing use" nor are they proposed to be used as such. These waterbodies are entirely within property controlled by the US Air Force and this limited-access area is maintained for the purpose of wildlife habitat protection. Recycled water used for agricultural supply is piped directly from the Sanitation Districts' water reclamation facilities, and is never conveyed via Amargosa Creek, Piute Ponds, or the Piute Ponds Wetlands. Ambient water from Piute Ponds is often not suitable as irrigation water for agricultural uses, primarily due to elevated salt levels. Water diverted from Piute Ponds for irrigation would require treatment or blending with another water source before being suitable for agricultural supply. LACSD5<br><br>The Regional Board has indicated that, "If future management scenarios for the Piute Ponds do not include agricultural diversions, the Water Board may consider removing the AGR use from the ponds and wetlands at a later date."[6] Because there are no current or foreseeable diversions from Piute Ponds for agricultural supply, the Sanitation Districts request that AGR be de-designated as a beneficial use for Amargosa Creek downstream of the point of Lancaster WRP discharge, Piute Ponds, and the Piute Ponds Wetlands. LACSD6<br><br>Thank you again for the opportunity to comment on the 2018 Triennial Review of the Basin Plan. The Sanitation Districts recognize that the Regional Board has finite resources to address a variety of proposed projects during this Triennial Review. We appreciate your consideration of the above projects and may be able to offer staff resources to assist with these projects, as they pertain to the Sanitation Districts' activities and concerns. If you have any questions, please contact Naoko Munakata at (562) 908-4288, extension 2830 or by email at nmunakata@lacsd.org. LACSD7<br><br>Very truly yours,<br><br>Ann T. Heil<br>Section Head<br>Reuse and Compliance<br><br>ATH:NM:nm<br><br>[6] Lahontan Regional Board, "*Technical Staff Report: Revised Water Quality Standards for Surface Waters of the Antelope Hydrologic Unit,*" August 2007. | Water Board staff is proposing that this project be identified as requiring additional resources to proceed. Please refer to the previous responses LACSD2-4 regarding discussions of the Sanitation District's reasons for the request, evaluating alternative options, and discussing an optimal or preferred approach to addressing the Sanitation Districts' request.<br><br>Water Board staff plans to engage with the Sanitation Districts in further evaluating the issue and determining the optimal option to address LACSD concerns while consistently upholding the Porter Cologne Act's water quality protections by considering past, present, and probable future beneficial uses of water. |

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| Los Angeles Department of Water & Power<br>CUSTOMERS FIRST<br><br>Eric Garcetti, Mayor<br>Board of Commissioners<br>Mel Levine, President<br>William W. Funderburk Jr., Vice President<br>Jill Banks Barad<br>Christina E. Noonan<br>Aura Vasquez<br>Barbara E. Moschos, Secretary<br>David H. Wright, General Manager<br><br>September 24, 2018<br><br>Daniel Sussman<br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br><br>Dear Mr. Sussman:<br><br>Subject: 2018 Triennial Review Comments<br><br>The Los Angeles Department of Water and Power (LADWP) would like to thank the Lahontan Regional Water Quality Control Board (Regional Board) for the opportunity to comment on the triennial review of the Water Quality Control Plan for the Lahontan Region (Basin Plan).<br><br>LADWP understands that the Basin Plan for the Lahontan Region is a fundamental component of water quality protection in the region, as the Basin Plan contains the water quality standards, including both beneficial uses and water quality objectives, as well as implementation provisions. LADWP is committed to environmental stewardship and minimizing its environmental footprint through monitoring and reducing impacts from LADWP activities within the Lahontan Region. To accomplish these objectives, LADWP believes it is imperative to use sound science in the environmental regulatory process. Triennial reviews are critical to ensuring that water quality standards are based on best available science and consider all available data. Comprehensive reviews of the basin plans are essential to stakeholders, and LADWP remains committed to provide support to the Regional Board whenever possible. LADWP1<br><br>With regards to the current priority list for Lahontan's triennial review, LADWP is in support of the Regional Board's priority list. In particular, LADWP agrees it is critically important to evaluate and incorporate potential Basin Plan amendments related to the State Water Resources Control Board's (State Board) adoption of Statewide Bacteria Provisions. LADWP2<br><br>LADWP supports the Regional Board in these decisions to incorporate as soon as possible statewide standards-related initiatives. LADWP provides the following comments with regards to the Statewide Bacteria provisions and the Lahontan Basin Plan. LADWP3<br><br>111 N. Hope Street, Los Angeles, California 90012-2607 Mailing Address: PO Box 51111, Los Angeles, CA 90051-5700<br>Telephone (213) 367-4211 ladwp.com | Lahontan Regional Water Quality Control Board (Lahontan Water Board) staff agrees with LADWP's acknowledgement of the important role the Lahontan Basin Plan plays in establishing goals for water quality protection throughout the Lahontan Region. Water Board staff also agrees the Triennial Review process must reflect the best available science.<br><br>Water Board staff recommends the project of Evaluating Bacteria Water Quality Objectives prescribed by the Basin Plan is the highest priority project for the 2018 Triennial Review. |

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| Mr. Daniel Sussman<br>September 24, 2018<br>Page 2<br><br>The State Board's newly adopted Bacteria Provisions specify that the new water quality objectives for water contact recreation (REC-1)—*E. coli* and enterococci—apply to waters within the Lahontan region that are designated REC-1. The State Board's Policy indicates, however, that these new objectives do not supersede the fecal coliform bacteria water quality objectives that are generally applicable to all surface waters (regardless of use designation) within the Lahontan region (see footnote 1 at p. 2 of the State Board Bacterial Objectives). LADWP requests that the new REC-1 standard be implemented for waters in the Lahontan Region, and that the Regional Board prioritize evaluating the scientific basis of the existing fecal coliform objectives. If an appropriate scientific basis cannot be established for the existing fecal coliform objectives, and if they cannot be tied to the protection of a specific beneficial use, LADWP suggests that the Regional Board consider whether or not these objectives should be eliminated. LADWP4 | The process of re-evaluating the Water Board's fecal coliform objectives for surface waters will include among other elements, a thorough review of scientific information and water quality data collected in the Lahontan Region. |
| While there are still uncertainties in the methods of application for the newly adopted provisions, LADWP believes that the scientific evidence for evaluating public risk based on *E. coli* in freshwater is the state of the science at this time and is the most appropriate tool for determining health risk. LADWP also believes that the standard for evaluating health risk in water should be based upon epidemiological studies, consistent with the State Board and USEPA precedent. Further, LADWP is unaware of any basis for applying bacterial objectives for the protection of beneficial uses unrelated to human health. LADWP is particularly concerned that wildlife and other natural sources contribute to fecal coliform concentrations in the environment, such that the existing Basin Plan fecal coliform objectives may be unattainable. Finally, LADWP has collected bacteria data in Bishop Creek, Horton Creek, and Lower Pine Creek that LADWP believes would be relevant to the triennial review, and looks forward to the opportunity to share and discuss these data with Regional Board staff. LADWP5 | Water Board staff recognizes the challenges that naturally occurring sources of all fecal indicator bacteria pose to water quality monitoring, and we will be evaluating the appropriate fecal indicator in light of the State Board's new *E. coli* standard as compared to the Water Board's existing fecal coliform standard. An evaluation of current science pertaining to fecal contamination and how fecal contamination correlates with human health risks will be a critical part of the water quality objective evaluation. Water Board staff appreciates the work undertaken by LADWP to collect bacteria data in Mono and Inyo Counties and encourages LADWP to share its data with Water Board staff. |
| LADWP appreciates the opportunity to provide comments on the triennial review process. As detailed throughout these comments, LADWP believes that the current triennial review list is essential to safeguarding the region against many types of impacts including climate change. LADWP is ready to partner with the Regional Board to provide data and information in support of these important priorities. LADWP looks forward to working with Regional Board staff in this process. Should you have questions regarding this letter, please contact me at (213) 367-0436 or Ms. Chloé Grison at 213-357-1339. LADWP6 LADWP7<br><br>Sincerely,<br>Katherine Rubin<br><br>Katherine Rubin<br>Manager of Wastewater Quality and Compliance<br><br>CG<br>c: Ms. Chloé Grison | The Water Board shares LADWP's concerns related to the impacts of climate change and encourages LADWP to continue monitoring and to participate in the Water Board's process towards creating a Climate Change Adaptation and Mitigation Strategy.<br><br>Water Board staff is looking forward to including LADWP in this process, and to incorporating LADWP's datasets into the evaluation process. |

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| SOMACH SIMMONS & DUNN<br>A PROFESSIONAL CORPORATION<br>ATTORNEYS AT LAW<br>500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814<br>OFFICE [illegible] FAX [illegible]<br>SOMACHLAW.COM<br><br>September 24, 2018<br><br>*Via Electronic Mail*<br><br>Daniel Sussman<br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>lahontan@waterboards.ca.gov<br><br>SUBJECT: 2018 Triennial Review Comments<br><br>Dear Mr. Sussman:<br><br>On behalf of our client, Centennial Livestock, we submit comments on the Lahontan Regional Water Quality Control Board's (Lahontan Board) 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region. In summary, Centennial Livestock requests that the Lahontan Board adopt "Revising water quality objectives for bacteria" as its number one priority for the 2018 Triennial Review. More importantly, Centennial Livestock requests that the Lahontan Board direct staff to immediately begin the process of working with stakeholders to evaluate data and information necessary to move forward with a recommendation for revising the current water quality objective of 20 colony-forming units of fecal coliform per 100 ml. The water quality objective as it currently exists and applies to the Bridgeport Valley is near to impossible to meet and must be revised to sustain grazing activities in the Bridgeport Valley. CL1 CL2<br><br>On August 7, 2018, the State Water Resources Control Board (State Water Board) adopted bacteria provisions that essentially apply to all inland surface water bodies other than those in the Lahontan region. (See Resolution No. 2018-0038.) As part of its adoption of these statewide bacteria provisions, the State Water Board also took action and provided the following direction to the Lahontan Board: "THEREFORE BE IT RESOLVED THAT: The State Water Board: … 4. Encourages the Lahontan Regional Water Board to evaluate with input from relevant stakeholders the region's fecal coliform water quality objective (…), and to prioritize that effort during the region's upcoming triennial review process, which the region anticipates will occur during the fall of 2018." Accordingly, it is appropriate that the Lahontan Board use this 2018 Triennial Review process to prioritize revising water quality objectives for bacteria within the Lahontan Region. CL3<br><br>**I. BACKGROUND**<br><br>Centennial Livestock operates a cattle grazing operation in the Bridgeport Valley and is subject to regulatory requirements adopted by the Lahontan Board. Specifically, Centennial Livestock is subject to the terms and conditions contained in Order R6T-2017-0033, Renewal of | The Lahontan Water Quality Control Board (Water Board) staff proposes the project "Evaluating Bacteria Water Quality Objectives prescribed by the *Water Quality Control Plan for the Lahontan Region* (Basin Plan)" as the highest priority project for the 2018 Triennial Review. Water Board staff is now in a position to move forward with this project considering the State Water Resources Control Board's (State Board) recently adopted bacteria objectives for the water contact beneficial use (i.e., REC-1) for surface waters state-wide.<br><br>Water Board staff will begin the process to evaluate the current bacteria water quality objectives as resources allow. As with all Triennial Review projects, the prioritization of a project does not pre-suppose an outcome. Water Board staff will work with stakeholders to ensure that stakeholder data is included in the evaluation, and that stakeholder concerns help inform the process. Water Board staff encourages Centennial Livestock to share their water quality monitoring data with the Water Board at their earliest convenience.<br><br>The State Board recently adopted bacteria objectives to protect the water contact beneficial use (i.e., REC-1) that apply statewide. To reflect the encouragement from the State Board, Water Board staff have placed the review of the fecal coliform standard currently in the Basin Plan at the top of the 2018 Triennial Review priorities. The State Water Board's adoption of a statewide bacteria standard to protect the REC-1 beneficial use allows for consistency in the regulation of recreational surface waters state wide. Water Board staff will evaluate the mechanisms which will protect the high-quality waters of the Lahontan Region from degradation while still being protective of human health. |

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| Daniel Sussman<br>September 24, 2018<br>Comment Letter – 2018 Triennial Review<br>Page 2<br><br>General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region (Grazing Conditional Waiver). This Grazing Conditional Waiver includes many stringent requirements on private grazing operations in this watershed, and focuses directly on issues related to bacteria and compliance with the region's fecal coliform objective.<br><br>Notably, the Lahontan region's fecal coliform objective of 20 colonies per 100 ml was adopted to protect Lake Tahoe. However, when the Water Quality Control Plans for the Lake Tahoe Basin and the rest of the region were combined, this objective was inappropriately applied to all waters within the Lahontan region. In the Grazing Conditional Waiver, grazing operations are required to reduce fecal coliform concentrations in an effort to meet an interim goal of 200 colony-forming units per 100 milliliters (cfu/100ml) by 2022, and are being asked to comply by 2028 with the "State-wide or Basin Plan indicator bacteria water quality objectives in effect at that time." (Grazing Conditional Waiver, p. 9.) Thus, this means that if the fecal coliform objective of 20 colonies per 100 ml is not revised by 2028, it will apply directly to water bodies in grazing areas of the region, and Centennial Livestock and other grazing operations in the Bridgeport Valley will be subject to this extremely stringent standard of 20 colonies per 100 ml, which is well below the level necessary to protect public health. This puts grazing operations in the Lahontan region at a severe disadvantage as compared to grazing operations in other parts of California, and may make grazing a near-impossible activity within the Lahontan region. This would have a significant impact on these areas of the region. CL4<br><br>In conjunction and cooperation with the University of California Davis Rangelands program, Centennial Livestock and other grazing operations have been monitoring for fecal coliform and *E. coli* in the Bridgeport Valley for a number of years. The monitoring locations have been selected to identify contributions from the various sources of bacteria within the Bridgeport Valley: grazing, recreational (e.g., campers), and residential. The data show that it is nearly impossible for waters downstream of all of these uses to meet the Lahontan region standard of 20 colonies. More importantly, and as noted above, it is not necessary to meet this standard to protect public health.<br><br>With respect to Centennial Livestock's operation, the grazing lands are private and the public has limited to no access to the water bodies within Centennial's property boundaries. Further, there are very limited opportunities for REC1 beneficial uses (i.e., ingestion), and most recreational uses are more aligned with REC2 (i.e., fishing), or are limited water contact recreational uses. Thus, again, application of the Lahontan region's fecal coliform objective is inappropriate, unreasonable, and unnecessary to protect beneficial uses in the Bridgeport Valley. CL5<br><br>**II. PRIORITIZE REVISING WATER QUALITY OBJECTIVES FOR BACTERIA**<br><br>In 2015, the Lahontan Board identified revising water quality objectives for bacteria as number four (4) on its Triennial Review list. In part, the Lahontan Board stated that staff was evaluating the State Water Board's proposed standard and USEPA's guidance, and that the staff was coordinating with the State Water Board in development of the statewide applicable | The Basin Plan's fecal coliform objective of 20 cfu/ 100 mL was adopted to protect the high-quality waters found in the Lahontan Region. The water quality objective for coliform organisms in the 1971 Interim Basin Plan for several waters, including the East Walker River was "None attributable to human wastes." The 1976 Basin Plan applied a 20 cfu/100mL fecal coliform standard to REC-1 waters in the East Walker River, as well as nine (9) other waterbodies. Further iterations of the Basin Plan adopted in the 1990's expanded the standard regionwide in a recognition of the need to protect the high-quality of waters in the Lahontan Region. Subsequent substantial sampling efforts have shown that many of the waters of the region attain the 20 cfu/100 mL standard.<br><br>The Basin Plan defines the REC-1 beneficial use as "Water Contact Recreation. Beneficial uses of waters used for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, and use of natural hot springs." Wading and Fishing are included in the REC-1 beneficial use. While Water Board staff recognize that members of the public have limited access to waters located on Centennial Ranch properties, these waters flow downstream into waters that are held in public trust. |

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| Daniel Sussman<br>September 24, 2018<br>Comment Letter – 2018 Triennial Review<br>Page 3<br><br>objective. Ultimately, the State Water Board action adopted a bacteria objective for recreational uses that did not supersede or change the Lahontan Region's current standard. As a result, the bacteria standard for surface waters within the Lahontan Region is significantly lower than any other standard necessary to protect recreational beneficial uses, and is a standard that is impossible to meet in areas of the region where human activity (including cattle grazing) exists. In short, the State Water Board's adoption of statewide bacteria objectives has not changed the Lahontan bacteria standard. CL6 | Water Board staff is now in a position to move forward with this project considering the State Board's recently adopted bacteria objectives for the water contact beneficial use (i.e., REC-1) for surface waters state-wide. |
| Table 3 of the Draft 2018 Triennial Review Proposed Topics maintains revising the water quality objective for bacteria as a potential priority topic. Considering the history of this objective, we believe that this topic needs to become the Lahontan Board's number one (1) priority topic in the 2018 Triennial Review. Further, we request that the Lahontan Board specifically direct staff to begin immediately working with stakeholders like Centennial Livestock and other members of the Bridgeport Ranchers Organization to evaluate information and prepare a Basin Plan Amendment to revise the bacteria standard to a level that is reasonable and appropriate. As indicated previously, the current standard is far lower than necessary to protect public health associated with recreational uses – especially within the Bridgeport Valley area. CL7 | Evaluating the Basin Plan's bacteria water quality objective for surface waters is currently identified on the Proposed 2018 Triennial Review List as the top priority project. The List identifies regional data evaluation, stakeholder consultation, and strategy development as the first three actions to be initiated within the 2018 Triennial Review period (2019-2021). Centennial Livestock and other stakeholders will have multiple opportunities to share data, information, and their concerns, as well as contribute ideas and recommendations throughout the Water Board's process. |
| **III. CONCLUSION**<br><br>On behalf of Centennial Livestock, and to maintain the viability of grazing throughout the Lahontan region, we recommend that the Lahontan Board adopt "Revising the water quality objectives for bacteria" as its number one priority in its 2018 Triennial Review, and direct staff to start implementing this priority recommendation immediately. Thank you for this opportunity to comment. Please contact me at (916) 446-7979, or idunham@somachlaw.com if you have questions regarding the above comments. CL8<br><br>Sincerely,<br><br>Theresa A. Dunham<br><br>cc: Patty Kouyoumdjian, Executive Officer<br>Lahontan Regional Water Quality Control Board<br>Marcus Bunn<br>John Lacey<br>Mark Lacey<br>Gary Sawyers<br>Dave E. Wood<br>David T. Wood<br><br>TAD:je | |

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| foriver<br>TRUCKEE RIVER WATERSHED COUNCIL<br><br>September 24, 2018<br><br>Daniel Sussman<br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd<br>South Lake Tahoe, CA 96150<br>Submitted via: daniel.sussman@waterboards.ca.gov<br><br>RE: 2018 Triennial Review Comments<br><br>Dear Daniel,<br><br>Thank you for the opportunity to provide input on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region. The mission of the Truckee River Watershed Council (TRWC) is to bring the community *together for the Truckee*, to protect, restore, and enhance the Truckee River watershed.<br><br>In 2015, TRWC and others submitted comments and data to support the adoption of a standard for deposited or embedded sediment for the Middle Truckee River. This topic was listed as a priority during the 2015 Triennial Review however; no progress has been made to date.<br><br>Based upon recent communications with you, TRWC understands that this topic will be carried over into the 2018 Triennial Review proposal and presented to the Lahontan Water Board in November 2018. We appreciate its inclusion and strongly encourage the Board to advancing this topic.<br><br>TRWC1<br><br>530.550.8760<br>P.O. Box 8568<br>Truckee, CA 96162<br>www.truckeeriverwc.org<br><br>Truckee River Watershed Council is a nonprofit 501(c)3 organization. | The Truckee River Embedded/Deposited Sediment Objective project has been placed "above the line" within the Proposed 2018 Triennial Review List. Water Board staff have identified collaborating with the Truckee River Watershed Council in developing a strategy regarding data collection, analysis, and needs assessment, followed by evaluating options to address the beneficial use impairment. This effort is scheduled to begin during the first year of the 2018 Triennial Review period (2019-2021). |

Monitoring data from the Middle Truckee River have shown that the current TMDL standard for suspended sediment concentrations is insufficient in detecting actual impairment from excess sediment (references available upon request). Despite the fact that the suspended sediment TMDL standard is typically met, bioassessment studies demonstrate that beneficial uses (COLD and SPWN) are impaired in the Truckee River.

TRWC2

This standard needs support from the Lahontan Water Board to evaluate current conditions and develop a new standard for embedded sediment. TRWC offers our support for this effort and would gladly collaborate with the Water Board in order to advance the standard.

TRWC3

The Watershed Council's goal is to complete 50 high priority projects in the next 10 years in order to improve the health and function of the Truckee River watershed. Identifying and developing the appropriate standard for the Truckee River TMDL is fundamental to our ability to address the problems of our watershed.

We strongly encourage the Lahontan Water Board to support Basin Planning to advance a new standard for the Truckee River TMDL for deposited/embedded sediment.

TRWC4

Thank you for your consideration on this matter.

Sincerely,

Lisa Wallace
Executive Director

Matt Freitas
Program Manager

530.550.8760
P.O. Box 8568
Truckee, CA 96162
www.truckeeriverwc.org

Truckee River Watershed Council is a nonprofit 501(c)3 organization.

The Proposed 2018 Triennial Review List captures this situation in the Description for the Truckee River Embedded/Deposited Sediment Objective project.

As stated in Response TRWC1 above, the Truckee River Embedded/Deposited Sediment Objective project has been elevated in priority and is currently "above the line," identifying the project as one that Water Board staff intends to work on as a priority. Water Board staff will need the assistance from the Truckee River Watershed Council to advance this project because of the Water Board's limited resources.

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| UNITED STATES ENVIRONMENTAL PROTECTION AGENCY<br>REGION IX<br>75 Hawthorne Street<br>San Francisco, CA 94105<br><br>September 24, 2018<br><br>Dan Sussman<br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br><br>Dear Mr. Sussman:<br><br>This letter responds to the Regional Board's solicitation of public comments for the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region. The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to provide input to the Triennial Review process. EPA agrees that the projects summarized in the draft 2018 Triennial Review List are appropriate.<br><br>The list acknowledges the recent revisions to the federal Water Quality Standards regulations at 40 CFR Section 131.20 by including an item to evaluate new or revised 304(a) recommended criteria for incorporation into the Basin Plan as water quality objectives. EPA supports such an evaluation as a priority item.<br>USEPA1<br><br>However, to fully comply with 40 CFR Section 131.20, the Triennial Review must also include an explanation if the State does not adopt new or revised criteria for parameters for which EPA has published new or updated Clean Water Act (CWA) section 304(a) criteria recommendations. See the enclosure for a summary of the new or revised criteria. The updated criteria are available on the websites provided in the enclosure.<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review List. If you have any questions, please contact me at (415) 972-3508 or mitchell.matthew@epa.gov.<br><br>Sincerely,<br>Matthew Mitchell<br>Matthew Mitchell<br>Water Quality Assessment Section<br><br>Enclosure | The Water Board recognizes the need to update or add water quality criteria based on the CWA section 304(a) recommended criteria. The Water Board has limited resources to address basin planning work and the proposed Triennial Review list reflects Water Board prioritization of potential basin planning related projects. The proposed Triennial Review list anticipates a need for additional resources to address 304(a) recommended criteria, placing the project "below the line." Many of these criteria revise human health criteria included in the California Toxics Rule (CTR), which the Water Board does not have the authority to modify. Such authority lies with the State Board. Additionally, Water Board staff believes having the State Board adopt water quality objectives based upon 304(a) criteria is, in many cases, more efficient that the nine Regional Water Boards doing so individually. For example, the State Board has done this with the update of REC-1 bacteria objectives and has a current project to address cadmium. Therefore, Water Board staff has placed this project "below the line" in the Proposed 2018 Triennial Review List. Notwithstanding this prioritization, Water Board staff will be discussing with State Board staff a proposal for addressing this matter on a statewide basis. |

Enclosure

**Summary of USEPA 304(a) Water Quality Criteria since 5/30/2000**

The following is the list of 304(a) recommended water quality criteria that are new or have been updated since 5/30/2000, which is the cutoff date cited in the preamble of the 2015 water quality standards regulatory revisions rule, published on 8/21/2015.

**Aquatic Life Criteria**

All updated aquatic life criteria can be found at: https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table

Ammonia (2013)
Acrolein (2009)
Carbaryl (2012)
Copper (2007)
Diazinon (2005)
Nonylphenol (2005)
Tributyltin (2004)
Cadmium (2016)
Selenium Freshwater (2016)

**Human Health Criteria**

EPA updated ambient water quality criteria for protection of human health for 94 chemical pollutants in 2015. See: https://www.epa.gov/wqc/2015-epa-updated-ambient-water-quality-criteria-protection-human-health

All updated human health criteria for chemicals can be found at: https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table

EPA updated ambient water quality criteria for recreational waters in 2012. The updated recreational waters criteria can be found at: https://www.epa.gov/wqc/2012-recreational-water-quality-criteria

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The relevant portions of the 2015 water quality standards regulatory revisions rule and the preamble to the rule are below.

40 CFR 131.20(a):

*"In addition, if a State does not adopt new or revised criteria for parameters for which EPA has published new or updated CWA section 304(a) criteria recommendations, then the State shall provide an explanation when it submits the results of its triennial review to the Regional Administrator consistent with CWA section 303(c)(1) and the requirements of paragraph (c) of this section."*

Preamble:

*"An important component of triennial reviews is meaningful and transparent involvement of the public and intergovernmental coordination with local, state, federal, and tribal entities. Communication with EPA (and the public) about these decisions provides opportunities to assist states and authorized tribes in improving the scientific basis of its WQS and can build support for state and authorized tribal decisions.*

*Such coordination ultimately increases the effectiveness of the state and authorized tribal water quality management processes. Following this rulemaking, when states and authorized tribes conduct their next triennial review they must provide an explanation for why they did not adopt new or revised criteria for parameters for which EPA has published new or updated CWA section 304(a) criteria recommendations since May 30, 2000.[26] During the triennial reviews that follow, states and authorized tribes must do the same for criteria related to parameters for which EPA has published CWA section 304(a) criteria recommendations since the states' or authorized tribes' most recent triennial review. This requirement applies regardless of whether new or updated CWA section 304(a) criteria recommendations are more stringent or less stringent than the state's or authorized tribe's applicable criteria because all stakeholders should know how the state or authorized tribe considered the CWA section 304(a) criteria recommendations when determining whether to revise their own WQS following a triennial review. A state's or authorized tribe's explanation may be situation-specific and could involve consideration of priorities and resources. EPA will not approve or disapprove this explanation pursuant to CWA section 303(c) nor will the explanation be used to disapprove new or revised WQS that otherwise meet the requirements of the CWA. Rather, it will inform both the public and EPA of the state's or authorized tribe's plans with respect to adopting new or revised criteria in light of the latest science. EPA strongly encourages states and authorized tribes to include their explanation on a publicly accessible Web site or some other mechanism to inform the public of their decision."*

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| Mojave Water Agency<br>13846 Conference Center Drive ♦ Apple Valley, California 92307<br>Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>15095 Amargosa Road, Building 2, Suite 210<br>Victorville, CA 92394<br><br>The Mojave Water Agency (MWA) would like to thank the Lahontan Regional Water Quality Control Board (Lahontan) to allow us the opportunity to comment on the Draft 2018 Triennial Review of Proposed Topics. Specifically the MWA would like to comment on Priority 6 "Site-Specific Water Quality Objectives for Mojave Ground Water Sub-basins".<br><br>The MWA has shared a long collaborative relationship with Lahontan staff to try to ensure the sustainability of the region's water resources, both supply and quality. Regarding the underlying objectives of Draft Priority 6, the MWA has worked closely with Lahontan staff to try to better understand the effects of water quality changes in the various groundwater basins that make up our region. MWA1<br><br>The first major effort began in the early 2000's and resulted in an approximate 3-year process that culminated in 2007. The *Groundwater Quality Analysis Technical Memorandum, May 2007*, was a data collection and modeling effort that estimated regional water quality changes based on projected land use with respect to total dissolved solids (TDS).<br><br>In December 2015, the MWA finalized the *Salt and Nutrient Management Plan* (SNMP) under a cooperative program between the Victor Valley Waste Water Reclamation Authority and Lahontan via the Supplemental Environmental Projects program. This second major water quality effort was a much higher resolution and more comprehensive exercise building upon the initial 2007 TDS modeling effort. The SNMP included a review of present TDS and nitrate conditions in groundwater as well as projected water quality changes over time through an approximate 70-year modeling period.<br><br>The 2015 SNMP included an analysis of the effects of imported State Water Project (SWP) water to various basins throughout the region. In particular, modeled results indicated that SWP water helped maintain beneficial water quality within a basin, including basins that have present TDS concentrations lower than imported SWP water. The excerpt from the 2015 SNMP below illustrates the relationship between SWP water imports and native water quality. | Next steps identified for the Site-Specific Water Quality Objectives for Mojave Groundwater project include stakeholder participation, where Water Board staff anticipates the collaborative relationship between the Mojave Water Agency and Water Board will continue to produce productive and positive results. |

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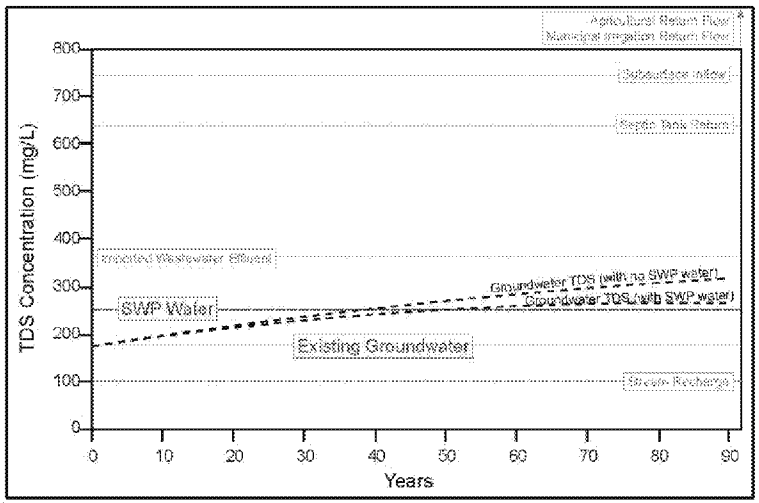
| Figure 5-11<br>Conceptual Benefit of Imported SWP Water Recharge on Groundwater Quality<br>in Subregion with Better Groundwater Quality<br>Example: Alto - Floodplain (TDS)<br>  <br><br><br>The SNMP further discusses the relationship between high quality native water and SWP imports "benefits from imported SWP water, including 1) reduction in pumping and associated loading from return flows, and 2) increased S/N [salt & nutrient] loading buffering capacity and reduction in high-TDS subsurface inflows due to increased storage volume from SWP water recharge. Consideration of these factors suggests that while groundwater TDS concentrations are expected to increase in the Alto - Floodplain [Upper Mojave River Floodplain], the rate of increase with imported SWP water recharge is lower than without SWP water. This condition also applies to Alto Mid [~Hesperia] – Regional (Page 5-50, SNMP)".<br><br>Water quality is complex and many factors need to be considered when considering long-term beneficial uses of a resource. For example, naturally occurring arsenic occurs at depth throughout many of the heavily used basins within the region, including those basins with low TDS. Supplemental imported water, along with flexible basin management, helps preserve the resource, both in supply and maintaining water quality by not mobilizing deeper native contaminants. In addition to the above, the ability to manage the region's historically overdrafted groundwater basins utilizing an imported supplemental source of water is one of the primary underpinnings of the Mojave Basin Area Adjudication and helps assure the sustainable use of the resource for the present and future beneficial uses. All of the above should be considered when considering regional management and policy decisions. | |

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| The MWA and Lahontan staff have a long history of working collaboratively to support the sustained use of the region's water resources for the citizens of the High Desert. The MWA is supportive of the activities of our respective organizations that result in maintaining the use of the region's common water resources. We believe that through our previous collaborative scientific studies, it has been demonstrated that the introduction of SWP water to the groundwater basin(s) in the region is a benefit and preserves the long-term sustainable use of the resource. We request that MWA and Lahontan staff continue to work closely together to and ensure our organizations are aligned to support science-based management actions that ensure holistic efforts to preserve the long-term water supply and quality of the region. MWA2<br><br>Sincerely,<br><br>Lance Eckhart, PG, CHG<br>Director of Basin Management and Resource Planning | Water Board staff agrees that groundwater quality and quantity is complex across the Mojave Groundwater Basin. Water Board staff is looking forward to building upon the Mojave Water Agency's and others' scientific studies, further developing this project and collaboratively moving forward towards a successful evaluation, recommendation, and project outcome. |

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| **Bishop Paiute Tribe**<br>**Public Works Department**<br>**630 Brockman Lane**<br>**Bishop, California 93514**<br>**Phone: 760-873-6638**<br>*Email: peter.bernasconi@bishoppaiute.org*<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>**RE: Public Comments**<br>**2018 Basin Plan Triennial Review - Tribal Beneficial Uses**<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.<br><br>The Bishop Paiute Tribe Public Works Department mission is to improve and encourage the quality of life for the residents of the Tribal Community through responsive, efficient, and effective delivery of services to everyone within the community and by reflecting a can-do attitude with our customers and surrounding communities. Our goals include providing safe drinking water, irrigation water for crops and habitat, and wastewater collection services in an efficient and culturally sensitive way. Water is life and its efficient and respectful use is an important need in taking care of our environment and heritage.<br><br>The Bishop Paiute Tribe Public Works Department urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and we would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy.<br><br>Page 1 of 3 | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps would include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps would also include developing an approach and schedule for adding the beneficial uses to the Basin Plan, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>This project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>Same as Response to Comment BPTPW1 |

BTPW1

BTPW2

BTPW3

## Comment

Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with culturally important water body, such as Patsiada ("Owens Lake"), Mono Lake, Coso Hot Springs, Keough's Hot Springs and Hot Ditch. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use and over pumping for water export.

BTPW4

BTPW5

BTPW6

The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that "*...Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims.*" We recommend the following:

1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities.
2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region.
3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of "*...appropriate evidence or tribal claims.*" It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential.

BTPW7

BTPW8

BTPW9

The waters of Payahuunadü (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. Our peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the



## Response

In response to your requests:
(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.
(2) The Water Board will develop a process to consult with the Tribes in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.
(3) The timing of project implementation is dependent on available resources and information, and Water Board direction. Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly.

In response to your recommendations:

1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process.
2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.
3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "...appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use.

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| majority of land and water resources in Payahuunadü. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse or over ground water pumping.<br><br>These cultural water areas provide an oasis in the desert for cultural activities and meditation to take care of mother earth and our souls.<br><br>We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadü and the Lahontan Region of the State Water Resources Control Board.<br><br>Please call the office at 760-873-6638 ext. 9002 if you have any questions or concerns.<br><br>Respectfully,<br><br>Peter A Bernasconi, PE<br>Public Works Director<br><br>Cc Allen Summers, Sr., Chairman<br>Gloriana Bailey, MBA, Tribal Administrator<br>Teri Red Owl, Executive Director OVIWC<br>Sonja Velarde, Public Works Admin Assist. File<br><br>Page 3 of 3 | |

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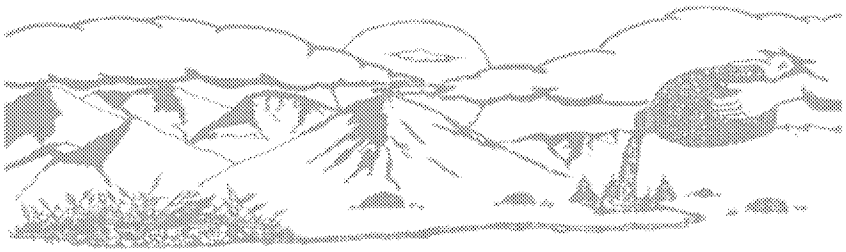
|  <br>**Owens Valley Indian Water Commission**<br>**46 TuSu Lane, Bishop, CA 93514 • 760-873-3300 760-873-3320 FAX • www.oviwc.org**<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>**Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses**<br><br>Dear Mr. Sussman:<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.<br><br>The Owens Valley Indian Water Commission ("Commission") is a tribal environmental consortium made up of three member tribes: the Bishop Paiute Tribe, Big Pine Paiute Tribe of the Owens Valley, and the Lone Pine Paiute-Shoshone Tribe. The Owens Valley Indian Water Commission is located in Bishop, CA, which is within the Lahontan Region area of the California Regional Water Quality Control Board. The Owens Valley Indian Water Commission was founded in 1991 to protect and advocate for tribal environmental resources. The indigenous communities of the Owens Valley have used the waters of the Lahontan Region for sustenance and spiritual needs since time immemorial and have a strong and sustaining interest in ensuring that the waters of the region are protected for human and natural communities into the future.<br><br>The Commission urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and OVIWC1<br><br>Page 1 of 3 | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps would include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps would also include developing an approach and schedule for adding the beneficial uses to the Basin Plan, and to designate waterbodies with one or more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period. |

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| Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and the Commission would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy. | OVIWC2<br>OVIWC3 | This project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>Same as Response to Comment OVIWC1 |
| Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with Keough's Hot Springs and Hot Ditch. Keough's Hot Springs and Hot Ditch is a regional tribal priority (along with Mono Lake, Coso Hot Springs, and Paisiada known as Owens Lake) and the recognition of CUL of these waterbodies would assist in resolving the degradation of these significant cultural sites. Temperature degradation of Keough's Hot Springs and Hot Ditch has been an ongoing problem for the past several years and the tribes and Commission have requested in the past that the Lahontan Regional Water Quality Control Board consider designating Keough's Hot Springs and Hot Ditch a thermally degraded waterbody. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use. | OVIWC4<br>OVIWC5<br>OVIWC6 | In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources and information, and Water Board direction. Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly. |
| The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) – Description and Status" states that "*…Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims.*" The Commission recommends the following:<br><br>1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities. | OVIWC7 | In response to your recommendations:<br>1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process. |

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| 2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region. | OVIWC8 | 2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission Tribal Governments in reaching out and communicating with tribal elders and other tribal members. |
| 3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of *"…appropriate evidence or tribal claims."* It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential. | OVIWC9 | 3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "…appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use. |

The waters of Payahuunadü (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. Our peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of most of the land and water resources in Payahuunadü. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse.

The Commission appreciates the chance to add our voice to the process and we look forward to continued collaboration between the Indigenous peoples of Payahuunadü and the Lahontan Region of the State Water Resources Control Board.

Sincerely,

Teri Red Owl
Executive Director

| Comment | Response |
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| <br><br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.<br><br>The Mono Lake Kudzatika' Tribe urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and we would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy. | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps would include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps would also include developing an approach and schedule for adding the beneficial uses to the Basin Plan, and to designate waterbodies with one or more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>This project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses. |
| Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with culturally important water bodies, such as Patsiada ("Owens Lake"), Mono Lake, Coso Hot Springs, Keough's Hot Springs and Hot Ditch. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use. | Same as Response to Comment MLK1<br><br>In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources and information, and Water Board direction. |

MLK1 MLK2 MLK3 MLK4 MLK5 MLK6

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| The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that *"...Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims."* We recommend the following:<br><br>1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities.<br>2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region.<br>3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of "*...appropriate evidence or tribal claims.*" It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential. | MLK7<br><br>MLK8<br><br>MLK9 | In response to your recommendations:<br>1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process.<br>2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.<br>3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "...appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use. |
| The waters of Payahüünadu (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. Our peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the majority of land and water resources in Payahüünadu. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse. | | |
| We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahüünadu and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br><br>Charlotte Lange<br>Charlotte Lange, Chairperson | MLK10 | Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly. |

| Comment | | Response |
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| **Lone Pine Paiute-Shoshone Reservation**<br>P.O. Box 747 • 975 Teya Road<br>Lone Pine, CA 93545<br>(760) 876-1034 FAX (760) 876-8302<br>Web Site: www.lppsr.org<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board. | | |
| The Lone Pine Paiute-Shoshone Reservation urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore bodies of water that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and we would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy. | LPW1<br>LPW2<br>LPW3 | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next would steps include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next would steps also include developing an approach and schedule for adding the beneficial uses to the Basin Plan, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>This project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>Same as Response to Comment LPW1 |
| Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with Patsiata ("Owens Lake"), Mono Lake, Coso Hot Springs, and Keough's Hot Springs. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use. | LPW4<br>LPW5<br>LPW6 | In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources information, and Water Board direction. Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly. |

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| The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that "*…Designating these beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims.*" We recommend the following:<br><br>1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities. LPW7<br>2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region. LPW8<br>3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of "*…appropriate evidence or tribal claims.*" It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential. LPW9<br><br>The waters of Payahüünadu (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. Our peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the majority of land and water resources in Payahüünadu. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continue to or attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through abuse.<br><br>We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahüünadu and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br><br>Mary Wuester<br>Tribal Chairperson | In response to your recommendations.<br>1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process.<br>2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.<br>3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "…appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use. |

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| **Lone Pine Paiute-Shoshone Reservation**<br>P.O. Box 747 • 1103 South Main Street<br>Lone Pine, CA 93545<br>(760) 876-1034 Fax (760) 876-8302<br>Web Site: www.lppsr.org<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.<br><br>The Lone Pine Paiute-Shoshone Reservation consists of 237.4 acres of land in Central Inyo County, California. On June 26, 1939, a deed executed between the City of Los Angeles and the United States government allowed for the exchange of 2,913.5 acres of land held in trust for the Owens Valley Paiute Indians for 1,391.48 acres owned by the Los Angeles Department of Water and Power (LADWP). The latter acreage was divided into three (3) parcels that comprise the current Bishop (875 acres), Big Pine (279.8 acres) and the Lone Pine (237.4 acres) Reservations. The Land Exchange was authorized by an Act of Congress dated April 20, 1937 (P.L. 75-43).<br><br>Located at an elevation of approximately 3,745 feet above sea level in the southern portion of the Owens Valley, the Lone Pine Paiute-Shoshone Reservation is bounded to the north by the unincorporated town of Lone Pine and to the south by the Lone Pine Airport. The majority of the land surrounding the Reservation is owned by LADWP, transitioning to the Bureau of Land Management (BLM) in the Alabama Hills to the west. The Sierra Nevada Mountains rise dramatically a few miles to the west (Mt. Whitney, the highest point in the contiguous 48 states, is visible from the Reservation) and the Los Angeles Aqueduct traverses the eastern edge of the Alabama Hills less than one mile to the west. The bed of the Owens River is a mile to the east, and the former north shore of Owens (Dry) Lake is five miles to the south. US Highway 395, the main north-south transport artery between Los Angeles, CA and Reno, NV, crosses the Reservation just west of its center.<br><br>LPJ1 LPJ2 LPJ3 The Lone Pine Paiute-Shoshone Reservation urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and we would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy. | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps would include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps would also include developing an approach and schedule for adding the beneficial uses to the Basin Plan, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>The Tribal and Subsistence Beneficial Uses project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>Same as Response to Comment LPJ1 |

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| Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with Patsiada ("Owens Lake"), Coso Hot Springs, Keough's Hot Springs and Hot Ditch. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use.<br><br>The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that *"...Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims."* We recommend the following: | LPJ4<br>LPJ5<br>LPJ6 | In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources information, and Water Board direction. Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly |
| 1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities.<br>2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region.<br>3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of "*...appropriate evidence or tribal claims.*" It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential. | LPJ7<br>LPJ8<br>LPJ9 | In response to your recommendations.<br>1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process.<br>2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.<br>3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "...appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use. |
| The waters of Payahuunadü (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. Our peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the majority of land and water resources in Payahuunadü. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse.<br><br>We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadü and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br>Mel O. Joseph, Environmental Director<br>Lone Pine Paiute-Shoshone Reservation | | |

| Comment | Response |
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| Kristopher Hohag, P.O. Box 1783 Bishop, CA 93515, Kris.Hohag@gmail.com<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.<br><br>My name is Kristopher Hohag and I am a member of the Bishop Paiute Tribe and a descendant of the Mono Lake Paiute Kuzadika People.<br><br>As an individual and as the head of my family, I urge the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and I would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy.<br><br>Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with Patsiada ("Owens Lake"), Mono Lake, Coso Hot Springs, Keough's Hot Springs and Hot Ditch. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use. | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps also include developing an approach and schedule for adding the beneficial uses, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>Hohag1<br><br>The Tribal and Subsistence Beneficial Uses project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>Hohag2<br><br>Same as Response to Comment Hohag1.<br><br>Hohag3<br><br>In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes and Tribal individuals in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources information, and Water Board direction.<br><br>Hohag4<br><br>Hohag5<br><br>Hohag6 |

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| The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that *"... Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims."* I recommend the following:<br><br>1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities. Hohag7<br>2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region. Hohag8<br>3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of "... *appropriate evidence or tribal claims.*" It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential. Hohag9<br><br>The waters of Payahuunadü (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. Our peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the majority of land and water resources in Payahuunadü. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse.<br><br>I appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadü and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br><br>Kristopher Hohag, Citizen of California and Bishop Paiute Tribe | In response to your recommendations.<br><br>1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process.<br>2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members, such as yourself, who have cultural and historic knowledge integral to the designation process.<br>3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "...appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use. |

BryAnna Vaughan
P.O. Box 623
Big Pine, CA 93513
bryanna.vaughan@gmail.com

September 24, 2018

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Attn: Mr. Daniel Sussman
lahontan@waterboards.ca.gov

Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses

Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.

BV1

I am writing this comment simply as a citizen born in the Lahontan Region who is well aware that the first water stewards to this land, the Native American people, are not specifically included in the current regional Water Quality Control Plan for the Lahontan Region as water users for specific uses.

BV2

BV3

I urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and I would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy.

BV4

BV5

BV6

BV7

Specifically, this request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with Hot Ditch, Keoughs Hot Springs, Owens Lake, and Mono Lake. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use.

Reference to Native American tribes in the Basin Plan is currently limited to brief discussion on the ability of tribes to set water quality standards, and for those waters affected to be considered interstate waters.

The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps also include developing an approach and schedule for adding the beneficial uses, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.

The Tribal and Subsistence Beneficial Uses project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.

See Response to Comment BV1.

In response to your requests:
(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.
(2) The Water Board will develop a process to consult with the Tribes and Tribal individuals in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.
(3) The timing of project implementation is dependent on available resources information, and Water Board direction.

| Comment | Response |
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| The waters of Payahuunadü (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nüümü (Paiute) and Newe (Shoshone) people. The peoples collectively used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Their ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the majority of land and water resources in Payahuunadü. This may have removed them physically from the traditional use of these waterways, but it could never separate them – or their descendants – culturally. To this day, their people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Their access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse.<br><br>I appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadü and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br><br>BryAnna Vaughan<br>concerned citizen | |

| Comment | Response |
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| **Tribal Historic Preservation Office**<br>Monty Bengochia, THPO<br>760-873-8726<br>Email: Monty.Bengochia@bishoppaiute.org<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses<br><br>Thank you for the opportunity to comment on the 2018 Triennial Review of the Water Quality Control Plan for the Lahontan Region of the California Regional Water Quality Control Board.<br><br>The Bishop Paiute Tribal Historic Preservation Office urges the inclusion of tribal beneficial uses in the Basin Plan for the Lahontan Region. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. The inclusion of the above beneficial uses in the Basin Plan is long overdue, and we would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy. BTHPO1 BTHPO2 BTHPO3<br><br>Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of degradation, starting with the Bishop Creek drainage, Owens Valley Watershed (including the Long Valley Region), and Mono Lake Basin. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use. BTHPO4 BTHPO5 BTHPO6<br><br>PAIUTE PROFESSIONAL BUILDING* 50 TU SU LANE* BISHOP, CA 93514<br>PHONE (760) 873-3584 * FAX (760) 873-4143 | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps also include developing an approach and schedule for adding the beneficial uses, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>The Tribal and Subsistence Beneficial Uses project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>See Response to Comment BV1.<br><br>In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes and Tribal individuals in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources information, and Water Board direction. |

| Comment | Response |
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| The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that "*...Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims.*" I recommend the following:<br><br>1. That the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities. BTHPO7<br>2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region. BTHPO8<br>3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of "*...appropriate evidence or tribal claims.*" It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential. BTHPO9<br><br>The waters of Owens River Watershed, and its surrounding mountains, have deep cultural, emotional, and physical significance to our people. Our people have used the waters and its resources since time immemorial. BTHPO10<br><br>The Tribal Historic Preservation Office of the Bishop Paiute Tribe appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of our Homeland and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br>Monty J. Bengochia, THPO<br>M J Bengochia | In response to your recommendations.<br>1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process.<br>2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.<br>3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "...appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use.<br><br>The Triennial Review project provides an opportunity to recognize within the Basin Plan the significance of the waters of the Owens River Watershed to the Bishop Paiute Tribe. |

| Comment | Response |
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| **BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**<br>*Big Pine Paiute Indian Reservation*<br>P.O. Box 700 · 825 South Main Street · Big Pine, CA 93513<br>(760) 938-2003 · fax (760) 938-2942<br>www.bigpinepaiute.org<br><br>September 24, 2018<br><br>Lahontan Regional Water Quality Control Board<br>2501 Lake Tahoe Blvd.<br>South Lake Tahoe, CA 96150<br>Attn: Mr. Daniel Sussman<br>lahontan@waterboards.ca.gov<br><br>Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses<br><br>The Big Pine Paiute Tribe of the Owens Valley (Tribe) is federally recognized and is pleased to provide comments on Lahontan Regional Water Quality Control Board's 2018 Triennial Review. The Tribe is located within the region of the Lahontan Regional Water Quality Control Board on the Eastern slopes of the Sierra in Inyo County. The Tribe recognizes that this triennial review of the Lahontan Basin Plan is generally limited to identifying high priority basin planning topics to be addressed over the three years between one Triennial Review cycle and the next. It is also recognized that the Lahontan Regional Water Quality Control Board (Lahontan) will be approving a prioritized Triennial Review List which shall serve as the three-year work plan of the Water Board's Basin Planning program. The Tribe has been supportive of the effort which culminated in the approval of Tribal Beneficial Uses by the State Water Quality Control Board with State Water Board Resolution No. 2017-0027 and strongly recommends that those uses be included within the Lahontan Basin Plan. Adding the Tribal Cultural, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. BPPT1 BPPT2<br><br>The inclusion of Tribal Beneficial uses in the Basin Plan is long overdue, and we would strongly encourage that this topic be a top priority for this region. This is the first opportunity for protections of state waters based on CUL and T-SUB beneficial uses within this region and delaying addressing these uses until another basin plan in three or six years places these uses in immediate and extended jeopardy. BPPT3<br><br>Specifically, our request includes (1) amending the Basin Plan to recognize the CUL and T-SUB beneficial use within the Lahontan region; (2) developing procedures, in consultation with California Native American Tribes, on how the Regional Board will: (i) consult with the over 10 California Native American Tribes in the Lahontan region to determine the appropriateness of the CUL and T-SUB designation within specific waterways, and (ii) protect culturally sensitive and confidential information obtained during the CUL and T-SUB consultation and designation process; and (3) immediately begin the designation of the CUL beneficial use of any of the waterways that are currently under threat of BPPT4 BPPT5 BPPT6 | The Tribal and Subsistence Beneficial Uses project has been placed "above the line" within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board's efforts to add the beneficial uses to the Basin Plan. Next steps also include developing an approach and schedule for adding the beneficial uses, and to designate waterbodies with one of more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.<br><br>The Tribal and Subsistence Beneficial Uses project does not involve establishing water quality objectives linked to the new beneficial uses at this time. Establishing new water quality objectives tied to the new beneficial uses could be a subsequent project. There will be opportunities to discuss the need for additional or revised water quality objectives with respect to the new beneficial uses as we work on incorporating the new beneficial uses into the Basin Plan, and subsequently designating waterbodies with the new beneficial uses.<br><br>Same as Response to Comment BPPT1.<br><br>In response to your requests:<br>(1) The project proposes to amend the Basin Plan to include the CUL and T-SUB beneficial uses (BU), as well as the SUB BU.<br>(2) The Water Board will develop a process to consult with the Tribes and Tribal individuals in the Lahontan Region to determine the appropriateness for beneficial use designation for specific waterbodies, while protecting sensitive and confidential information. The Water Board intends to develop the consultation process in coordination with the Tribes, other Regional Water Boards, and the State Water Board. There are more than 10 Tribes that reside in or maintain historical cultural interest in the water resources of the Lahontan Region.<br>(3) The timing of project implementation is dependent on available resources information, and Water Board direction. |

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| BPPT6 (cont'd)<br><br>degradation, starting with Patsiada ("Owens Lake"), Mono Lake, Coso Hot Springs, Keough's Hot Springs and Hot Ditch. Immediate designation of these water bodies and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use. | The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board's decision-making process. |
| The description of the topic of tribal beneficial uses described in Table 4 of the "Draft Triennial Review Proposed Topics (Prioritized August 22, 2018) — Description and Status" states that *"...Designating theses beneficial uses would require the Water Board to conduct outreach to California recognized tribal governments to determine waterbodies to designate, supported by appropriate evidence or tribal claims."* In conducting outreach, the Tribe recommends that the outreach not be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that deserve a voice in the process. The non-recognition of indigenous communities and the exclusion of their beneficial uses in every past Basin Plan is not the fault of the tribal communities of the region, and they should not be forced to continue to compromise their spiritual and physical well-being at the expense of other regional priorities. Therefore, Lahontan Region staff should expand future outreach efforts beyond just tribal governments to include indigenous community members in a town-hall style meeting which shall provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region. In addition, indigenous people of the region should have input in helping Lahontan staff determine what the definition of *"...appropriate evidence or tribal claims."* It should not solely be up to Water Board staff to judge what is culturally significant or relevant to the native communities of the region—tribal input on this determination is essential.<br><br>BPPT7<br>BPPT8<br>BPPT9 | Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members' knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.<br><br>Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining "...appropriate evidence or tribal claims." Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use. |
| The waters of Payahuunadü (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Tribe. Our people have used the waters since time immemorial, as has been documented and preserved in oral traditions, ethnography, and in contemporary use. Our ancestors were forcibly removed in the 1800s and later relocated to reservations to accommodate Los Angeles' acquisition of the majority of land and water resources in Payahuunadü. This may have removed us physically from the traditional use of these waterways, but it could never separate us – or our descendants – culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse.<br><br>BPPT10 | The Triennial Review project provides an opportunity to recognize within the Basin Plan the significance of the waters of the Owens River Watershed to the Bishop Paiute Tribe. |
| The Tribe appreciates the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadü and the Lahontan Region of the State Water Resources Control Board.<br><br>Sincerely,<br><br>Alan Bacock<br>Water Program Coordinator | |