

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

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

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.

	<b>Project</b>	<b>Author</b>	<b>Organization</b>	<b>Comment Code</b>	<b>Received</b>
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  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

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

### CALIFORNIA CATTLEMEN'S ASSOCIATION

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1221 H STREET - SACRAMENTO, CALIFORNIA 95814-1910



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www.calcattlemen.org

Submitted via email to [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov)

September 20, 2018

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

#### Re: 2018 Triennial Review Comments

Dear Mr. Sussman:

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.

**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."

The Lahontan Basin Plan currently sets a geometric mean for fecal coliform at 20/100mL.<sup>1</sup> CCA has repeatedly objected to this overly-restrictive fecal coliform standard.<sup>2</sup> 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.

<sup>1</sup> 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](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/docs/ch3_wqobjectives.pdf).

<sup>2</sup> 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 Lahontan Regional Water Quality Control Board (November 2013).

DAVE DALEY PRESIDENT OROVILLE	ROB VON DER LIETH TREASURER COPPEROPOLIS	BILLY GATLIN EXECUTIVE VICE PRESIDENT SACRAMENTO	MIKE MILLER SECOND VICE PRESIDENT MT. HAMILTON	PAT KIRBY SECOND VICE PRESIDENT WILTON
MARK LACEY FIRST VICE PRESIDENT INDEPENDENCE	MIKE SMITH FEEDER COUNCIL CHAIR SELMA	CINDY TEWS SECOND VICE PRESIDENT FRESNO	TREVOR FREITAS FEEDER COUNCIL VICECHAIR TIPTON	

## Response

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.

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.

CCA1

CCA2

**Comment**

**Response**

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.

Sincerely,



Kirk Wilbur  
Director of Government Affairs



**Comment**

**Response**



**COUNTY SANITATION DISTRICTS  
OF LOS ANGELES COUNTY**

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GRACE ROBINSON HYDE  
Chief Engineer and General Manager

September 21, 2018  
File No. 31-370-40.4A

**Via Electronic Mail**

Daniel Sussman  
California Regional Water Quality Control Board  
Lahontan Region, Lake Tahoe Office  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

Dear Mr. Sussman:

**2018 Triennial Review of the Lahontan Basin Plan**

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.

**Section 304(a) Recommended Criteria**

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


**Removal of Beneficial Uses**

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<sup>1,2</sup> to consider changes in the designation of other BUs, specifically Ground

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."

<sup>1</sup> 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.

Comment	Response
<p data-bbox="233 220 1100 245">Daniel Sussman -2- September 21, 2018</p> <p data-bbox="233 285 1100 423">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.<sup>3</sup> 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.</p> <p data-bbox="233 448 495 472"><i>Ground Water Recharge (GWR)</i></p> <p data-bbox="233 496 1100 813">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, "<i>Geohydrologic Investigation Using Direct Push Techniques at Piute Ponds Near Lancaster Water Reclamation Plant</i>" (January 1999), "<i>Beneficial Use Designation Report</i>" (October 2003), and "<i>Addendum to Final Report, Beneficial Use Designation Report</i>" (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,<sup>4</sup> 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, "<i>Lancaster Water Reclamation Plant Groundwater Monitoring Plan: Evaluation of Phase II Investigation Results at Piute Ponds</i>" in December 2005.</p> <p data-bbox="233 837 1100 1276">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, "<i>Subsurface Geohydrology Project: Piute Ponds</i>" (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.<sup>5</sup> 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).</p> <hr data-bbox="233 1365 1100 1373"/> <p data-bbox="233 1398 1100 1536"><sup>2</sup> Lahontan Regional Board, "<i>Technical Staff Report: Revised Water Quality Standards for Surface Waters of the Antelope Hydrologic Unit</i>," August 2007.  <sup>3</sup> Regional Board Resolutions R6T-2009-013, R6T-2013-0008, and R6T-2015-0051.  <sup>4</sup> Lahontan Regional Board Order No. R6V-2002-053, adopted September 11, 2002.  <sup>5</sup> 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).</p>	<p data-bbox="1262 245 1986 399">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.</p> <p data-bbox="1262 634 1986 951">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.</p>

Comment	Response
<p data-bbox="233 220 365 240">Daniel Sussman</p> <p data-bbox="680 220 709 240">-3-</p> <p data-bbox="934 220 1094 240">September 21, 2018</p> <p data-bbox="233 285 449 305"><i>Agricultural Supply (AGR)</i></p> <p data-bbox="233 334 1087 558">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.</p> <p data-bbox="233 587 1087 717">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.”<sup>6</sup> 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.</p> <p data-bbox="233 747 1087 876">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@lacs.org.</p> <hr data-bbox="233 954 1087 958"/> <p data-bbox="701 964 840 984">Very truly yours,</p>  <p data-bbox="701 1052 886 1120">Ann T. Heil Section Head Reuse and Compliance</p> <p data-bbox="233 1192 344 1211">ATH:NM:nm</p> <hr data-bbox="233 1451 495 1455"/> <p data-bbox="233 1484 1054 1526"><sup>6</sup> Lahontan Regional Board, “<i>Technical Staff Report: Revised Water Quality Standards for Surface Waters of the Antelope Hydrologic Unit</i>,” August 2007.</p>	<p data-bbox="1100 373 1192 393">LACSD5</p> <p data-bbox="1100 613 1192 633">LACSD6</p> <p data-bbox="1100 773 1192 792">LACSD7</p> <p data-bbox="1243 409 1986 594">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.</p> <p data-bbox="1243 730 1986 886">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.</p>



**Comment**

**Response**



CUSTOMERS FIRST

Eric Garcetti, Mayor  
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David H. Wright, General Manager

September 24, 2018

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

Dear Mr. Sussman:

Subject: 2018 Triennial Review Comments

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).

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

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

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

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.

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.

**Comment**

**Response**

Mr. Daniel Sussman  
September 24, 2018  
Page 2

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

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

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

Sincerely,

Katherine Rubin  
Manager of Wastewater Quality and Compliance

CG  
c: Ms. Chloé Grison

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.

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.

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.

Water Board staff is looking forward to including LADWP in this process, and to incorporating LADWP's datasets into the evaluation process.

**Comment**

**Response**



September 24, 2018

*Via Electronic Mail*

Daniel Sussman  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
[lahontan@waterboards.ca.gov](mailto:lahontan@waterboards.ca.gov)

SUBJECT: 2018 Triennial Review Comments

Dear Mr. Sussman:

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

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

**I. BACKGROUND**

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.

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.

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.



Comment	Response
<p data-bbox="247 183 611 280">Daniel Sussman September 24, 2018 Comment Letter – 2018 Triennial Review Page 2</p> <p data-bbox="247 334 1098 456">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.</p> <p data-bbox="247 483 1098 854">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.</p> <p data-bbox="247 881 1098 1081">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 <i>E. coli</i> 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.</p> <p data-bbox="247 1109 1098 1255">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.</p> <p data-bbox="247 1279 1062 1304"><b>II. PRIORITIZE REVISING WATER QUALITY OBJECTIVES FOR BACTERIA</b></p> <p data-bbox="247 1328 1098 1425">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</p>	<p data-bbox="1241 212 1990 594">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.</p> <p data-bbox="1241 1024 1990 1341">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.</p>

CL4

CL5

**Comment**

**Response**

Daniel Sussman  
September 24, 2018  
Comment Letter – 2018 Triennial Review  
Page 3

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


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

**III. CONCLUSION**

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 [tdunham@somachlaw.com](mailto:tdunham@somachlaw.com) if you have questions regarding the above comments.

CL8

Sincerely,  
  
Theresa A. Dunham

cc: Patty Kouyoumdjian, Executive Officer  
Lahontan Regional Water Quality Control Board  
Marcus Bunn  
John Lacey  
Mark Lacey  
Gary Sawyers  
Dave E. Wood  
David T. Wood

TAD:je

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.

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.



**Comment**

**Response**



September 24, 2018

Daniel Sussman  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd  
South Lake Tahoe, CA 96150  
Submitted via: [daniel.sussman@waterboards.ca.gov](mailto:daniel.sussman@waterboards.ca.gov)

RE: 2018 Triennial Review Comments

Dear Daniel,

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.

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.

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.

TRWC1

530.550.8760  
P.O. Box 8568  
Truckee, CA 96162  
[www.truckeeriverwrc.org](http://www.truckeeriverwrc.org)

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.

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.

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.

Thank you for your consideration on this matter.

Sincerely,



Lisa Wallace  
Executive Director



Matt Freitas  
Program Manager

TRWC2

TRWC3

TRWC4

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.

**Comment**

**Response**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

September 24, 2018

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

Dear Mr. Sussman:

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.

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.

USEPA1

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.

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](mailto:mitchell.matthew@epa.gov).

Sincerely,  
*Matthew Mitchell*  
Matthew Mitchell  
Water Quality Assessment Section

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 than 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.”*

Enclosure

*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.<sup>26</sup> 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."*

**Comment**

**Response**



[13846 Conference Center Drive](#) ♦ [Apple Valley, California 92307](#)  
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ [www.mojavewater.org](http://www.mojavewater.org)

September 24, 2018

Lahontan Regional Water Quality Control Board  
15095 Amargosa Road, Building 2, Suite 210  
Victorville, CA 92394

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”.

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

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).

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.

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.

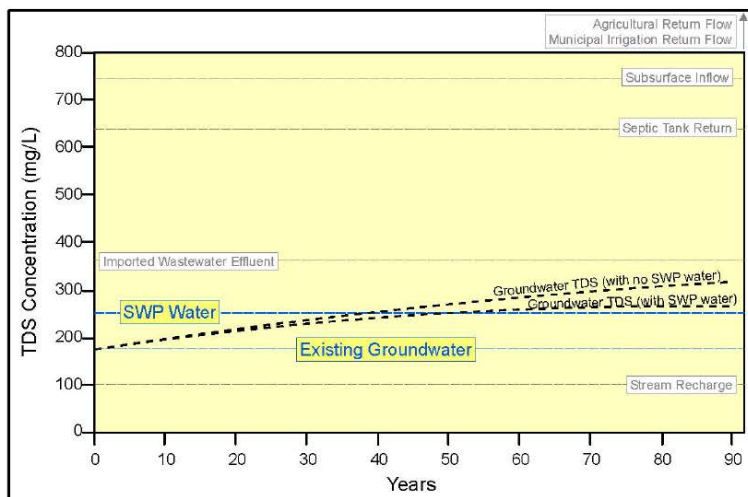
Next steps identified for the Site-Specific Water Quality Objectives for Mojave Groundwater project include stakeholder participation, where Water Board staff anticipates the collaborative relationship between the Mojave Water Agency and Water Board will continue to produce productive and positive results.



## Comment

## Response

**Figure 5-11**  
**Conceptual Benefit of Imported SWP Water Recharge on Groundwater Quality**  
**in Subregion with Better Groundwater Quality**  
**Example: Alto - Floodplain (TDS)**



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)”.

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.

**Comment**

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

Sincerely,



Lance Eckhart, PG, CHG  
Director of Basin Management and Resource Planning

**Response**

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.



**Comment**

**Response**



**Bishop Paiute Tribe  
Public Works Department  
630 Brockman Lane  
Bishop, California 93514  
Phone: 760-873-6638  
Email: [peter.bernasconi@bishoppaiute.org](mailto:peter.bernasconi@bishoppaiute.org)**

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](mailto:lahontan@waterboards.ca.gov)

**RE: Public Comments  
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.

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.

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.

BTPW1

BTPW2

BTPW3

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.

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.

Same as Response to Comment BTPW1

Comment	Response
<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p>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</p> <p style="text-align: right;">Page 2 of 3</p>	<p>In response to your requests:</p> <ol style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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.</li> </ol> <p>In response to your recommendations:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

**Comment**

**Response**

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.

These cultural water areas provide an oasis in the desert for cultural activities and meditation to take care of mother earth and our souls.

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.

Please call the office at 760-873-6638 ext. 9002 if you have any questions or concerns.

Respectfully,



Peter A Bernasconi, PE  
Public Works Director

Cc: Allen Summers, Sr., Chairman  
Gloriana Bailey, MBA, Tribal Administrator  
Teri Red Owl, Executive Director OVIWC  
Sonja Velarde, Public Works Admin Assist.     File

**Comment**

**Response**



**Owens Valley Indian Water Commission**

46 TuSu Lane, Bishop, CA 93514 • 760-873-3300 760-873-3320 FAX • [www.oviw.com](http://www.oviw.com)

September 24, 2018

Lahontan Regional Water Quality Control Board  
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Attn: Mr. Daniel Sussman  
[lahontan@waterboards.ca.gov](mailto:lahontan@waterboards.ca.gov)

**Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses**

Dear Mr. Sussman:

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 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.


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 }

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.

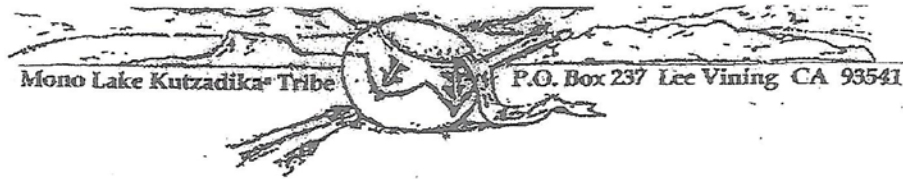


Comment	Response
<p data-bbox="113 269 1029 480">Subsistence Fishing Beneficial uses (CUL, T-SUB, SUB) into the Basin Plan would open the door for determining future water quality objectives that would protect and restore waterbodies that have significant cultural importance to indigenous communities. 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.</p> <p data-bbox="113 509 1029 1013">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 Patsiada 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.</p> <p data-bbox="113 1042 1029 1198">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.” The Commission recommends the following:</p> <ol data-bbox="151 1227 1029 1412" style="list-style-type: none"> <li>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.</li> </ol>	<p data-bbox="1188 207 1974 428">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.</p> <p data-bbox="1188 467 1625 493">Same as Response to Comment OVIWC1</p> <p data-bbox="1188 532 1974 1013">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.</p> <p data-bbox="1188 1123 1974 1442">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.</p>

Comment	Response
<p>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.</p> <p>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.</p> <p>The waters of Payahuunadū (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nūūmū (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 Payahuunadū. 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.</p> <p>The Commission appreciates the chance to add our voice to the process and we look forward to continued collaboration between the Indigenous peoples of Payahuunadū and the Lahontan Region of the State Water Resources Control Board.</p> <p>Sincerely,</p>  <p>Teri Red Owl Executive Director</p> <p>Page 3 of 3</p>	<p>OVIWC8</p> <p>OVIWC9</p> <p>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.</p> <p>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.</p>

**Comment**

**Response**



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](mailto: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.

The Mono Lake Kutzadika<sup>a</sup> 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.

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.

MLK1  
 MLK2  
 MLK3  
 MLK4  
 MLK5  
 MLK6

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.


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.

Same as Response to Comment MLK1

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.



Comment	Response
<p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p>The waters of Payahūūnadu (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nūūmū (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 Payahūūnadu. 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.</p> <p>We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahūūnadu and the Lahontan Region of the State Water Resources Control Board.</p> <p>Sincerely,</p>  <p>Charlotte Lange, Chairperson</p>	<p>In response to your recommendations:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p>Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly.</p>

MLK7

MLK8

MLK9

MLK10



Comment	Response
<div data-bbox="86 147 1192 435" data-label="Image"> </div> <p data-bbox="191 483 394 508">September 24, 2018</p> <p data-bbox="191 532 657 657">Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150 Attn: Mr. Daniel Sussman <a href="mailto:lahontan@waterboards.ca.gov">lahontan@waterboards.ca.gov</a></p> <p data-bbox="191 683 789 708">Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses</p> <p data-bbox="191 734 1014 807">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.</p> <p data-bbox="191 833 1066 1084">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.</p> <p data-bbox="191 1110 1056 1409">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.</p>	<p data-bbox="1220 245 1955 657">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.</p> <p data-bbox="1220 699 1965 950">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.</p> <p data-bbox="1220 992 1629 1016">Same as Response to Comment LPW1</p> <p data-bbox="1220 1058 1965 1572">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 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.</p>

Comment	Response
<p>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:</p> <ol style="list-style-type: none"> <li>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. <span style="float: right;">LPW7</span></li> <li>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. <span style="float: right;">LPW8</span></li> <li>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. <span style="float: right;">LPW9</span></li> </ol> <p>The waters of Payahūnadu (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nūūmū (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 Payahūnadu. 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.</p> <p>We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahūnadu and the Lahontan Region of the State Water Resources Control Board.</p> <p>Sincerely,</p> <p><i>Mary Wuester</i>  Mary Wuester  Tribal Chairperson</p>	<p>In response to your recommendations.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

**Comment**

**Response**



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](mailto: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.

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).

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.

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.

LPJ1

LPJ2


LPJ3

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.

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.

Same as Response to Comment LPJ1



Comment	Response
<p>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.</p> <p>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 “...<i>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.</i>” We recommend the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. That indigenous people of the region should have input in helping Lahontan staff determine what the definition of “...<i>appropriate evidence or tribal claims.</i>” 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.</li> </ol> <p>The waters of Payahuunadū (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nūūmū (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 Payahuunadū. 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.</p> <p>We appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadū and the Lahontan Region of the State Water Resources Control Board.</p> <p>Sincerely,    Mel O. Joseph, Environmental Director  Lone Pine Paiute-Shoshone Reservation</p>	<p>In response to your requests:</p> <ol style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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</li> </ol> <p>In response to your recommendations.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 “...<i>appropriate evidence or tribal claims.</i>” 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.</li> </ol>

Comment	Response
<p data-bbox="296 329 978 350">Kristopher Hohag, P.O. Box 1783 Bishop, CA 93515, Kris.Hohag@gmail.com</p> <p data-bbox="214 383 390 404">September 24, 2018</p> <p data-bbox="214 440 638 570">Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150 Attn: Mr. Daniel Sussman <a href="mailto:lahontan@waterboards.ca.gov">lahontan@waterboards.ca.gov</a></p> <p data-bbox="214 602 758 623">Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses</p> <p data-bbox="214 656 1037 704">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.</p> <p data-bbox="214 737 1037 786">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.</p> <p data-bbox="214 818 1058 1057">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.</p> <p data-bbox="214 1089 1058 1382">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.</p>	<p data-bbox="1220 212 1955 594">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.</p> <p data-bbox="1220 708 1955 959">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.</p> <p data-bbox="1220 1000 1650 1021">Same as Response to Comment Hohag1.</p> <p data-bbox="1220 1070 1955 1511">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.</p>

**Comment**

**Response**

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.” I 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.

Hohag7

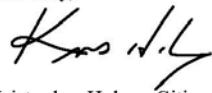
Hohag8

Hohag9

The waters of Payahuunadū (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nūmū (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 Payahuunadū. 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.

I appreciate the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadū and the Lahontan Region of the State Water Resources Control Board.

Sincerely,



Kristopher Hohag, Citizen of California and Bishop Paiute Tribe

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, such as yourself, who have cultural and historic knowledge integral to the designation process.
- 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](mailto: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.

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.

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.

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.

BV1

BV2

BV3

BV4

BV5

BV6

BV7

**Comment**

**Response**

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.

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.

Sincerely,

BryAnna Vaughan  
concerned citizen



**Comment**

**Response**

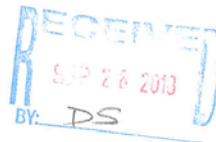


**Tribal Historic Preservation Office**

Monty Bengochia, THPO

760-873-8726

Email: [Monty.Bengochia@bishoppaiute.org](mailto:Monty.Bengochia@bishoppaiute.org)



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](mailto: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.

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.

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.

PAIUTE PROFESSIONAL BUILDING\* 50 TU SU LANE\* BISHOP, CA 93514

PHONE (760) 873-3584 \* FAX (760) 873-4143

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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**

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." I 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.

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.

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.

Sincerely,  
Monty J. Bengochia, THPO  
*M. J. Bengochia*

BTHPO7

BTHPO8

BTHPO9

BTHPO10

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.

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**



**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**  
*Big Pine Paiute Indian Reservation*  
P.O. Box 700 · 825 South Main Street · Big Pine, CA 93513  
(760) 938-2003 · fax (760) 938-2942  
[www.bigpinepaiute.org](http://www.bigpinepaiute.org)

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](mailto:lahontan@waterboards.ca.gov)

Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses

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.

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.

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

BPPT1

BPPT2

BPPT3

BPPT4

BPPT5

BPPT6

**Response**

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.

Same as Response to Comment BPPT1.

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
<p data-bbox="997 267 1165 300">BPPT6 (cont'd)</p> <p data-bbox="226 354 1075 425">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.</p> <p data-bbox="226 451 1075 836">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." 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.</p> <p data-bbox="226 862 1075 1101">The waters of Payahuunadū (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 Payahuunadū. 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.</p> <p data-bbox="226 1127 1075 1198">The Tribe appreciates the chance to add our voice to the process and we look forward to continued collaboration between the indigenous peoples of Payahuunadū and the Lahontan Region of the State Water Resources Control Board.</p> <p data-bbox="226 1224 457 1372">Sincerely,    Alan Bacock  Water Program Coordinator</p>	<p data-bbox="1239 276 1984 560">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.</p> <p data-bbox="1239 600 1984 820">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.</p> <p data-bbox="1239 860 1984 1079">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.</p> <p data-bbox="1239 1120 1984 1209">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.</p>