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.

<table>
<thead>
<tr>
<th>Project</th>
<th>Author</th>
<th>Organization</th>
<th>Comment Code</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluate Bacteria Water Quality Objectives</td>
<td>Karl Wilbur, Director of Government Affairs</td>
<td>California Cattlemen’s Association</td>
<td>CCA</td>
<td>9/20/18</td>
</tr>
<tr>
<td>Section 304(a) ammonia criteria recommended by USEPA in 2013</td>
<td>Ann Heil, Section Head, Reuse and Compliance Department</td>
<td>Los Angeles County Sanitation Districts</td>
<td>LACSD</td>
<td>9/21/18</td>
</tr>
<tr>
<td>Evaluate Bacteria Water Quality Objectives</td>
<td>Katherine Rubin, Manager of Wastewater Quality and Compliance</td>
<td>Los Angeles Department of Water and Power</td>
<td>LADWP</td>
<td>9/24/18</td>
</tr>
<tr>
<td>Evaluate Bacteria Water Quality Objectives</td>
<td>Theresa A Dunham, Somach Simmons &amp; Dunn</td>
<td>Centennial Livestock</td>
<td>CL</td>
<td>9/24/18</td>
</tr>
<tr>
<td>Middle Truckee River Objective for Deposited or Embedded Sediment</td>
<td>Lisa Wallace, Executive Director; Matt Freitas, Program Manager</td>
<td>Truckee River Watershed Council</td>
<td>TRWC</td>
<td>9/24/18</td>
</tr>
<tr>
<td>Section 304(a) USEPA recommended criteria</td>
<td>Mathew Mitchell, Water Quality Assessment Section</td>
<td>USEPA</td>
<td>USEPA</td>
<td>9/24/18</td>
</tr>
<tr>
<td>Site-Specific Water Quality Objectives for Mojave Ground Water</td>
<td>Lance Eckhart, PG, CHG, Director of Basin Management and Resource Planning</td>
<td>Mojave Water Agency</td>
<td>MWA</td>
<td>9/24/18</td>
</tr>
<tr>
<td>Tribal Beneficial Uses</td>
<td>Peter Bernasconi, PE, Public Works Director</td>
<td>Bishop Paiute Tribe</td>
<td>BTPW</td>
<td>9/24/18</td>
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<tr>
<td>Tribal Beneficial Uses</td>
<td>Teri Red Owl, Executive Director</td>
<td>Owens Valley Indian Water Commission</td>
<td>OVIWC</td>
<td>9/24/18</td>
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<td></td>
<td>Tribal Beneficial Uses</td>
<td>Name</td>
<td>Position/Title</td>
<td>Reservation</td>
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<tr>
<td>10</td>
<td>Tribal Beneficial Uses</td>
<td>Charlotte Lange, Chairperson</td>
<td>Mono Lake Kutzadika Tribe</td>
<td>MLK</td>
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<td>11</td>
<td>Tribal Beneficial Uses</td>
<td>Mary Wuester, Tribal Chairperson</td>
<td>Lone Pine Paiute-Shoshone Reservation</td>
<td>LPW</td>
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<td>12</td>
<td>Tribal Beneficial Uses</td>
<td>Mel O. Joseph, Environmental Director</td>
<td>Lone Pine Paiute-Shoshone Reservation</td>
<td>LPJ</td>
</tr>
<tr>
<td>13</td>
<td>Tribal Beneficial Uses</td>
<td>Kristopher Hohag, member</td>
<td>Bishop Paiute Tribe member</td>
<td>Hohag</td>
</tr>
<tr>
<td>14</td>
<td>Tribal Beneficial Uses</td>
<td>BryAnna Vaughan</td>
<td>Concerned citizen</td>
<td>BV</td>
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<tr>
<td>15</td>
<td>Tribal Beneficial Uses</td>
<td>Monty J. Bengochia, Tribal Historic Preservation Office</td>
<td>Bishop Paiute Tribe</td>
<td>BTHPO</td>
</tr>
<tr>
<td>16</td>
<td>Tribal Beneficial Uses</td>
<td>Alan Bacock, Water Program Coordinator</td>
<td>Big Pine Paiute Tribe of the Owens Valley</td>
<td>BPPT</td>
</tr>
</tbody>
</table>
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 statewide.

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.
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
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.”
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.

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.

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4 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).
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.

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.
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.
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.

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Katherine Rubin
Manager of Wastewater Quality and Compliance

CG
c: Ms. Chloé Grison
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

Daniel Sussman
September 24, 2018
Comment Letter – 2018 Triennial Review
Page 2

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.

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 microliters (cfu/100 mL) 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.

In conjunction and cooperation with the University of California Davis Rangelands program, Centennial Livestock and other grazing operations have been monitoring for fecal coliform and E. coli in the Bridgeport Valley for a number of years. The monitoring locations have been selected to identify contributions from the various sources of bacteria within the Bridgeport Valley: grazing, recreational (e.g., campers), and residential. The data show that it is nearly impossible for waters downstream of all of these uses to meet the Lahontan region standard of 20 colonies. More importantly, and as noted above, it is not necessary to meet this standard to protect public health.

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.

II. PRIORITIZE REVISIONING WATER QUALITY OBJECTIVES FOR BACTERIA

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

Response

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.

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.
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.
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).
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.

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
<table>
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<td><strong>Comment</strong></td>
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<td><strong>Response</strong></td>
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</table>

**Comment**

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.

**Response**

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

September 24, 2018

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.

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) 972-5308 or mitchell.mathew@epa.gov.

Sincerely,
Matthew Mitchell
Water Quality Assessment Section

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)
Trichloroethylene (2004)
Cadmium (2016)
Selenium Freshwater (2016)

Human Health Criteria


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

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

40 CFR 131.20(a):

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

Preamble:

"An important component of triennial reviews is meaningful and transparent involvement of the public and intergovernmental coordination with local, state, federal, and tribal entities. Communication with EPA (and the public) about these decisions provides opportunities to assist states and authorized tribes in improving the scientific basis of its WQS and can build support for state and authorized tribal decisions."
Such coordination ultimately increases the effectiveness of the state and authorized tribal water quality management processes. Following this rulemaking, when states and authorized tribes conduct their next triennial review they must provide an explanation for why they did not adopt new or revised criteria for parameters for which EPA has published new or updated CWA section 304(a) criteria recommendations since May 30, 2000. 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 state’s 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.”
<table>
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<th>Comment</th>
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<tbody>
<tr>
<td>Comment</td>
<td><strong>MWA1</strong> 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.</td>
</tr>
<tr>
<td>September 24, 2018</td>
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<tr>
<td>Lahontan Regional Water Quality Control Board</td>
<td></td>
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<tr>
<td>15095 Amargosa Road, Building 2, Suite 210</td>
<td></td>
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<tr>
<td>Vicotorville, CA 92394</td>
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</tbody>
</table>
|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.

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.
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.
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.

Sincerely,

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

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<th>Comment</th>
<th>Response</th>
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<tr>
<td>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.</td>
<td>MWA2</td>
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</tbody>
</table>
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 BPTPW1
In response to your requests:

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

In response to your recommendations:

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

[Signature]

Peter A Bernasconi, PE
Public Works Director

Cc: Allen Summers, Sr., Chairman
    Gloriana Bailey, MBA, Tribal Administrator
    Teri Red Owl, Executive Director OWSWC
    Sonja Velardo, Public Works Admin Assist.
The Tribal and Subsistence Beneficial Uses project has been placed “above the line” within the Proposed 2018 Triennial Review List, meaning that Water Board staff anticipates dedicating effort during the 2018 Triennial Review Period (2019-2021). Next steps would include developing and implementing a Tribal consultation process to facilitate the exchange of information that is protective of Tribal cultural resources and helps support the Water Board’s efforts to add the beneficial uses to the Basin Plan. Next steps would also include developing an approach and schedule for adding the beneficial uses to the Basin Plan, and to designate waterbodies with one or more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.
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<td>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.</td>
<td>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.</td>
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<td>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 for a 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 waters and hot springs with the CUL designation is required because these waterways are under threat from increased development and over use.</td>
<td>In response to your request: (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.</td>
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<td>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:</td>
<td>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.</td>
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<td>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.</td>
<td>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.</td>
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2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members’ knowledge regarding historic and existing cultural uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission Tribal Governments in reaching out and communicating with tribal elders and other tribal members.

3. 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 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.

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

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:

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 Payahūnūnadu (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nūmāni (Paiute) and Neve (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 Payahūnūnadu. 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 overseer.

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

Sincerely,

Charlotte Lange, Chairperson

Response

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.

Your commitment to helping Water Board staff move forward with this project by providing assistance should facilitate the project moving forward more quickly.
September 24, 2018
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Attn: Mr. Daniel Sussman
lahontan@waterboards.ca.gov
Re: 2018 Basin Plan Triennial Review - Tribal Beneficial Uses

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

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.

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 Patsiatai ("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.

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.

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.

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 LPW1
Comment

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:

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 Payahṹnudu (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Nǘmu (Paiute) and Nwew (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 Payahṹnudu. 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.

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

Sincerely,

Mary Wester
Tribal Chairperson

Response

In response to your recommendations.

1. The Water Board values participation in its decision-making processes by those that live and work in and visit the Lahontan Region. So, while the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions specify that waters designated with the new beneficial uses must be associated with uses of California Native American Tribes, and a California Native American Tribe must confirm the designation is appropriate, non-recognized indigenous tribes and communities will also be able to participate in the Water Board’s decision-making process.

2. Water Board staff anticipates outreach beyond tribal governments will be vital in accessing and understanding the indigenous community members’ knowledge regarding historic and existing cultural beneficial uses of waters. Water Board staff looks forward to working with the California Native American Heritage Commission and Tribal Governments in reaching out and communicating with tribal elders and other tribal members.

3. Part of this project involves determining the nature or type of information necessary to support beneficial use designations. Tribal government input will play a critical role, as will consultation with the State Water Board, in further defining “…appropriate evidence or tribal claims.” Additionally, the CUL beneficial use definition itself provides examples of resource use categories that are to be interpreted as constituting the presence of the CUL beneficial use.
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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
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 any of the waterbodies that are currently under threat of degradation, starting with Patsia ("Owens Lake"), Coso Hot Springs, Keough's Hot Springs and Hot Ditch. Immediate designation of these waterbodies and hot springs with the CUL designation is required because these waterbodies are under threat from increased development and over use.

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:

1. That the outreach be limited to only California recognized tribal governments. There are non-recognized indigenous tribes that are not served by 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 Payahunaañ (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 Neeve (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 Payahunaañ. This may have removed us physically from the traditional use of these waterways, but it could never separate us — or our descendants — culturally. To this day, our people have continued to attempt to visit and benefit from the sacred properties of these waters, even as the land changed hands through different owners. Our access must be restored, and further, the waterways must be protected from inappropriate use and degradation through overuse.

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

Sincerely,
Mel O. Joseph, Environmental Director
Lone Pine Paiute-Shoshone Reservation
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 or more of those beneficial uses. Water Board staff anticipates beginning such efforts during the first year of the Triennial Review Period.

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.
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.

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2. That Lahontan Region staff expand future outreach efforts beyond just tribal governments. Outreach meetings with indigenous community members in a town-hall style meeting would provide tribal elders and others the opportunity to contribute their knowledge of historical and current tribal uses of waterbodies in the region.

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 Payahunmadii (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Niiuł ( 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 Payahunmadii. 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 oversight.

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

Sincerely,

Kristopher Hohag, Citizen of California and Bishop Paiute Tribe
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.

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.
The waters of Payahumadì (the place of flowing water), commonly known as Owens Valley, and its surrounding regions, have deep cultural and spiritual significance to the Niîmîtu (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 Payahumadì. 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 Payahumadì and the Lahontan Region of the State Water Resources Control Board.

Sincerely,

BryAnna Vaughan
concerned citizen
Comment

Tribal Historic Preservation Office
Monty Bengochia, THPO
760-873-8726
Email: 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
daniel@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 use.

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.

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.
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.
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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.

Same as Response to Comment BPPT1.

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3. The timing of project implementation is dependent on available resources information, and Water Board direction.
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.

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.

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The Triennial Review project provides an opportunity to recognize within the Basin Plan the significance of the waters of the Owens River Watershed to the Bishop Paiute Tribe.

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

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

Sincerely,

[Signature]
Alan Bacock
Water Program Coordinator