

ENCLOSURE 4

REVISED Enclosure 4

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LAHONTAN REGION

Tribal and Subsistence Fishing Beneficial Uses

Basin Plan Amendment

Comment Letters and Responses to Comments

Water Board staff received one comment letter in response to the July 31, 2020 notice regarding the proposed Basin Plan Amendment for the Tribal and Subsistence Fishing Beneficial Uses. The letter was received on August 28, 2020 from Tina Yin, Manager of the Standards and Assessment Unit, United States Environmental Protection Agency, Region 9. The table below lists the comments and responses.

| Comment Number | Author | Comment | Response to Comment |
|-----------------------|---|---|---|
| 1 | United States Environmental Protection Agency | "We commend the Regional Board for inclusion of CUL, T-SUB, and SUB new beneficial uses." | Thank you for commending the Regional Board for inclusion of CUL, T-SUB, and SUB new beneficial uses. |

| Comment Number | Author | Comment | Response to Comment |
|----------------|---|--|--|
| 2 | United States Environmental Protection Agency | <p>“EPA notes the proposed definitions of the new beneficial uses are identical to those from the statewide <i>Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California— Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions</i>. However, EPA also notes the statewide beneficial use definitions, unlike the proposed Lahontan Region definitions, are preceded with specific language that requires the Water Boards to obtain confirmation from a California Native American Tribe when designating the CUL or T-SUB beneficial uses in a water quality control plan for a particular waterbody segment and time(s) of year, to confirm the designation is appropriate.</p> <p>Based on the Regional Board’s Basin Plan staff report and draft Board resolution, EPA understands that the Regional Board intends to comply with this requirement at the time that it will designate beneficial uses. However, EPA recommends for clarity and consistency that the Regional Water Board should also add the provision requiring confirmation from a California Native Tribe to the Basin Plan amendment preceding the definitions of the three new beneficial uses. This will ensure the requirement is clearly associated with the definitions.”</p> | <p>Per your recommendation, the proposed Basin Plan Amendment to be considered by the Regional Board will include the specific language that requires the Water Boards to obtain confirmation from a California Native American Tribe when designating the CUL or T-SUB beneficial uses in a water quality control plan for a particular waterbody segment and time(s) of year, to confirm the designation is appropriate. This language is the same as that included in the State Water Board’s <i>Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California— Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions</i>.</p> |