

2025 Triennial Review Response to Comments

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Overview of Comments:

The Draft 2025 Triennial Review Staff Report was released for 30-day public comment in April 2025. Interested parties submitted 533 comments by the comment submittal closing date of noon on May 5, 2025. One of the comment letters was submitted by Los Angeles Department of Water And Power (LADWP). LADWP commented on four basin planning issues and emphasized a desire to be involved in their development. A second letter was a joint submittal by Trout Unlimited, California Trout, and Backcountry Hunters and Anglers. That letter advocates for prioritization of resources to designate Hot Creek as an Outstanding National Resource Water (ONRW).

The remaining comment letters were received as a form letter, sent with variations authored by the sender. These letters all focused on the same basin planning issue of designating Hot Creek as an ONRW. Three of the form letters were sent by representatives of specific organizations (such as the Grizzly Peak Fly Fishers, Trout Unlimited, Sierra Nevada Alliance, and Diablo Valley Fly Fishing Club), while the rest were sent by individuals.

This Response to Comments Document addresses the individual comment letters and the form letters, through a combination of comment specific responses and an overarching response to the large number of individual commenters who sent a form letter, or a version of the form letter.

Comment Letter Catalog

Commenter	Affiliation	Comment Code	Page Number
Katherine Rubin	Los Angeles Department of Water and Power	LADWP	2
Matt Clifford, Redgie Collins, Joel Weltzien	Trout Unlimited, California Trout, Backcountry Hunters & Anglers	CTUB	4
Multiple Commenters	Form Letter, with variations	FORM	8

Response to Comments

Los Angeles Department of Water and Power (LADWP)

This section presents direct quotes from the LADWP comment letter.

Comment LADWP-1

Update Total Nitrogen Water Quality Objective (WQO) for Hot Creek

LADWP supports a modification to increase the effluent limitation for total nitrogen as an annual average for Hot Creek. WQO should allow flexibility to account for local environmental factors that naturally alter the water chemistry of Hot Creek. As the priority item is developed, stakeholders should be engaged for input.

Response to LADWP-1

This issue is proposed for resource prioritization through the 2025 Triennial Review. This project seeks to update the numeric total nitrogen water quality objective for Hot Creek. The concentration of TN in the waterbody and the way of calculating that concentration to be expressed as a water quality objective are under development and neither has been decided. The updated water quality objective will be appropriate to protect the beneficial uses designated for Hot Creek, considering the characteristics of Hot Creek. Outreach material and engagement with interested stakeholders will be an integral component of this Triennial Review priority.

Comment LADWP-2

Designation of Tribal Beneficial Uses (TBUs) – Mono Basin

LADWP acknowledges the importance of protecting cultural practices, traditional uses of waters, and subsistence fishing by California Native American Tribes and other communities and individuals, as intended by the Tribal Tradition and Culture, the Tribal Subsistence Fishing and Subsistence Fishing Beneficial Uses.

Since 2017, LADWP has been engaged in stakeholder workshops, comment periods, and ongoing discussions concerning TBUs and will continue to participate in opportunities to provide input to LahRWQCB.

Response to LADWP-2

The Lahontan Water Board recognizes LADWP's acknowledgement of the importance of protecting practices that are accounted for by the Tribal Tradition and Culture and the Tribal Subsistence Fishing beneficial uses. The scope of this project does not presently consider the Subsistence Fishing beneficial use. LADWP will continue to have the opportunity to participate and provide input in this project through the public process components of the basin planning process.

Comment LADWP-3a

Designation of TBUs – Water bodies to be determined

As LahRWQCB evaluates future water bodies for TBU designation, it is important that the public and stakeholders are provided with the criteria used to assign beneficial uses throughout the Lahontan Region and an opportunity to comment. The addition of the three TBUs may involve the development and implementation of new water quality objectives which may affect the operation of water systems in the Lahontan Region.

Response to LADWP 3a

The Tribal Tradition and Culture, the Tribal Subsistence Fishing and Subsistence Fishing Beneficial Uses were adopted into the Lahontan Basin Plan in 2020 ([Resolution R6T-2020-0057](#)). The scope of TBU designations is intended to be the two Tribal beneficial uses and not the non-tribal Subsistence Fishing beneficial use. While designation of these beneficial uses may involve the development and implementation of new water quality objectives, the current intent for the scope of these projects is limited to TBU designation. Any development of new water quality objectives, either in this project or separately, would require opportunity for public engagement and comment. See, also, response to comment LADWP-3b.

Comment LADWP-3b

Guidance documents for the TBU implementation should be provided to stakeholders for comment and review prior to adopting the three proposed beneficial uses. Development of guidance materials would clarify the scope of the beneficial uses and would illustrate the extent to which the beneficial uses will be applied.

Response to LADWP-3b

The State Water Quality Control Board is expected to develop materials to guide designation of Tribal Beneficial Uses, and may hold discussion of the forthcoming guidance sometime later in 2025.

Comment LADWP-3c

Additionally, LahRWQCB should include stakeholders throughout this review process. LADWP suggests an effective way of engaging stakeholders is to schedule quarterly meetings to ensure that stakeholder feedback is received and utilized for the implementation of the new beneficial uses.

Response to LADWP-3c

Staff, when assigned, will consider LADWP's input in the creation of the project outreach and development strategy.

Comment LADWP-4

Expand Project Categories in Table 4.1-1

LADWP supports an expansion of the exempt low impact discharges list and requests stakeholder engagement as LahRWQCB evaluates this priority item.

Response to LADWP-4

LADWP will have the opportunity to engage in the basin planning process for this project. Information on this project will likely be distributed through the Lahontan Water Board's subscriber listserv for Basin Planning - Regionwide.

Comments Submitted in Support of Prioritizing the Issue: Designate Hot Creek as an Outstanding National Resource Water

California Trout, Trout Unlimited, Backcountry Hunters & Anglers (CTUB)

This comment letter advocates for committing basin planning resources to assess Hot Creek's suitability for designation as an ONRW. In response to the letters' descriptions of Hot Creek's ecological and recreational values, and the high level of interest indicated by the hundreds of individual comments received that echo this letter, Lahontan Water Board staff, in the Triennial Review Staff Report, recommend this issue be elevated to a Regional Issue in Reserve. This is the second tier of prioritization in the 2025 Triennial Review. By placing the issue in the Regional Issue in Reserve category, the Lahontan Water Board is signaling a commitment of some limited resources to investigate the suitability and need for ONRW designation. This issue is not expected to result in an ONRW designation during the current Triennial Review period.

The below section presents direct quotes excerpted from the comment letter.

Comment CTUB-1

In particular, we strongly support the petition to assign Outstanding National Resource Water (ONRW) designation to the following waters:

- The entirety of Hot Creek, from its origin as Mammoth Creek crosses Highway 395, to its confluence with the Owens River, including all associated springs.
- Little Hot Creek and associated springs.

Response to CTUB-1

The Lahontan Water Board acknowledges the request to designate ONRW status for Hot Creek, Little Hot Creek, and associated springs. The Lahontan Water Board notes that the contents of the comment letter focus on the characteristics of Hot Creek that could support ONRW designation and do not describe such characteristics for Little Hot Creek and associated springs.

ONRW designation can be an important regulatory tool to protect against water quality degradation for waterbodies that are ecologically, recreationally, or otherwise significant. There may be other regulatory mechanisms that achieve the same intended protection.

Comment CTUB-2

The California State and Regional Water Quality Control Boards have authority under the Clean Water Act and Porter-Cologne Act to permanently protect waterways as ONRWs. Despite ONRW designation being explicitly referenced as a priority in the State's roadmap for achieving its now statutory goal of durably protecting 30 percent of its lands and coastal waters by the year 2030 ("30x30"), California still has only two water bodies so designated: Lake Tahoe and Mono Lake. Given that both existing ONRWs fall under the jurisdiction of the Lahontan Regional Water Board, the Board is well positioned to extend this designation to other qualifying waters, namely Hot Creek.

Response to CTUB-2

Lake Tahoe and Mono Lake are both ONRWs. Both ONRW designations were granted by State Water Resource Control Board (State Water Board) action, and not the Lahontan Water Board. Designating a waterbody as an ONRW relies on the characteristics of the individual waterbody - the designation cannot be extended to other waterbodies, rather the designation must rely on the merit of the individual waterbody proposed for ONRW designation.

The Pathways to 30x30 document focuses on the state developing a standardized process to designate waterbodies as ONRWs, not individual designations themselves. Candidate projects for statewide consistency could be submitted as part of the State Water Board's triennial review process. Information on State Water Board's triennial

review process can be found here: [2024 Review of State Water Quality Control Plans and Policies for Water Quality Control | California State Water Resources Control Board](#).

Comment CTUB-3

Hot Creek: Qualifications for ONRW Designation

ONRWs are waterbodies whose unique or exceptional water quality characteristics support ecological, recreational, or cultural values of national significance. Importantly, this designation is not limited to waters normally thought of as pristine in the sense of having low levels of nutrients and other pollutants. Instead, the focus is on whether the specific water quality of a qualifying water body supports ecological, recreational, cultural, or other values that rise to the level of having national significance. ONRW designation requires that the outstanding values of a qualifying water be protected from any permanent lowering of water quality that supports these values.

Hot Creek is one of the most unique stream systems in California. Its superb recreational fishery and unique geologic and hydrologic properties attract thousands of visitors each year. In addition, Hot Creek is home to species listed, or proposed for listing, under federal and state Endangered Species Acts, and represents perhaps the best remaining habitat for these imperiled species. Hot Creek is an unusually productive stream, ecologically – its distinctive water chemistry and temperature regime influenced by the hydrothermal inputs up and down its length combine to produce huge volumes of aquatic plant growth and macroinvertebrates, which in turn support one of California's most famous wild trout fisheries, known for its impressive biomass (number of fish/mile). The value of this fishery is a direct result of Hot Creek's unique natural water chemistry and temperature regime, making the creek a textbook example of the kind of water that qualifies for protection as an ONRW.

Response to CTUB-3

The commenter is correct that an ONRW does not have to be of exceptional water quality, but its values have to otherwise be sufficient for the state to designate it an ONRW. Hot Creek is on the Clean Water Act Section 303(d) List of Impaired Waters for mercury, boron, and chloride. We anticipate an additional listing for Total Nitrogen to be added as part of the 2026 assessment cycle.

Staff have begun to research the water quality and ecological characteristics of Hot Creek, and its support of designated beneficial uses, as part of the project to update Total Nitrogen Water Quality Objectives in Hot Creek. Hot Creek is a productive fishery and the warm springs that supply much of the flow result in an aquatic ecology different than most, if not all, of the prime fishing streams in the Lahontan Region. As the Lahontan Water Board prioritizes resources for this project, staff will further identify and assess factors in support of ONRW designation.

Comment CTUB-4

Economic Impacts of ONRW Designation of Hot Creek

The world-famous trout fishery in Hot Creek provides substantial contributions to the economy of nearby communities such as Bishop, Lee Vining, and Mammoth Lakes, through retail sales and lodging, jobs for local fishing guides, as well as the outfitter and lodge of Hot Creek Ranch. Moreover, several multigenerational ranching operations graze on allotments throughout the Hot Creek sub-watershed; these allotments are productive, at least in part, due to the unique water quality, hydrology and geology of this sub-watershed. Due to the rapid growth characteristics of trout in Hot Creek, the California Department of Fish and Wildlife operates a fish hatchery at Hot Creek. Trout raised in this facility are distributed across California, extending the economic impact of the Hot Creek system across a larger region by providing angling-based revenue to communities where these fish are stocked.

By protecting the Hot Creek system through ONRW designation, we are not only safeguarding the ecosystem and fishery from existential threats to water quality but also supporting the livelihoods and cultural values of those who depend on it.

Response to CTUB-4

The Lahontan Water Board would need to conduct further research to verify some of the claims presented and to understand the impacts of an ONRW designation of Hot Creek.

Comment CTUB-5

Outstanding National Resource Water as a Management Tool

ONRW designation for Hot Creek is the appropriate management tool to protect existing values and uses from present and future threats, while honoring and supporting stakeholder investments and expectations and sustaining management flexibility.

Outstanding National Resource Water designation prescribes a sole management directive as described in 40 CFR 131.12(a)(3):

Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

The Hot Creek system is utilized and treasured by diverse interests. In addition to the economic and recreational stakeholders listed above, Hot Creek is a landscape of immense importance to several Tribes in the region. Given the focused prescription of ONRW designation, establishing Hot Creek as such will not only allow for continued cultural practice, but safeguard this use and value for

the future. ONRW designation would protect against significant, permanent degradation of water quality while, as detailed in 40 CFR 131.12(a)(1), "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

Response to CTUB-5

Lahontan Water Board staff agree that ONRW designation can be an important regulatory tool to protect against water quality degradation for waterbodies that are ecologically, recreationally, or otherwise significant. There may be other regulatory mechanisms that achieve the same intended protection, including several regulatory mechanisms already in place to protect the water quality. For example, the Lahontan Basin Plan, Chapter 4.1 Waste Discharge Prohibitions, contains a number of regionwide waste discharge prohibitions, and the Lahontan Basin Plan section on mining, Chapter 4.7 Mining, Industry, and Energy Production, includes strict guidelines on the discharge of a number of substances. See, also, the response to comment CTUB-3.

Comment CTUB-6

State Designation of ONRWs and the authority of the Lahontan Regional Water Quality Control Board

California's antidegradation guidance provides that the State Water Resources Control Board or Regional Water Quality Control Boards (Regional Water Boards) may designate ONRWs as part of the "adoption or amendment of water control plans."

The Lahontan Region Basin Plan designates the beneficial uses for waters within its region, sets water quality objectives that will achieve those uses, and identifies programs to achieve water quality objectives and monitor implementation and attainment. The Basin Plan's water quality objectives incorporate the state's antidegradation policy. Consistent with state guidance on the implementation of the federal antidegradation policy for ONRWs, the Lahontan Regional Board may amend its existing Basin Plan to designate ONRWs pursuant to its existing antidegradation standards.

Response to CTUB-6

Lahontan Water Board staff, in the Triennial Review Staff Report, recommends this issue be elevated to a Regional Issue in Reserve. See response to comment CTUB-1 and summary response above comment CTUB-1.

Comment CTUB-7

Capacity for Incorporating and Implementing ONRW Designation

We appreciate the Regional Board's capacity constraints and the need to prioritize projects for implementation. Our groups are prepared to assist the

Regional Board, if useful, by contributing to the completion of a technical report or other similar products that could serve as the basis for a Regional Board staff report, substitute environmental document, and Basin Plan amendment. Such a technical report would include the scientific justification and analysis for the ONRW, relevant information for a substitute environmental document, suggested basin plan language, suggested criteria for ONRW designation, and an action plan associated with the designation. Our groups would work with the Regional Board to complete this report over the next 6-12 months.

Given serious threats to water quality in Hot Creek associated with proposed mineral development within a third of a mile from the stream, we encourage the Board to prioritize the designation of Hot Creek as an ONRW as a Tier 1 or Tier 2 priority in the amended Basin Plan.

Response to CTUB-7

The Lahontan Water Board appreciates the commenter's offer to help develop a technical report in support of ONRW designation for Hot Creek and Little Hot Creek. Lahontan Water Board staff, in the Triennial Review Staff Report, recommends this issue be elevated to a Regional Issue in Reserve. This is the second tier of prioritization in the 2025 Triennial Review. By placing the issue in the Regional Issue in Reserve category, the Lahontan Water Board is signaling a commitment of some resources to investigate the suitability and need for ONRW designation. Should the commenters produce a technical report, the Lahontan Water Board will consider its contents in support of this investigation. The proposed mineral development could be a factor in that investigation (also, see response to CTUB-4). As described in the updated Staff Report, this issue will not be a high priority. However, resources will be allocated for staff to follow, and learn from, the progress of ONRW designation efforts in Regional Water Boards 1 (North Coast) and 5 (Central Valley), engage in statewide efforts to determine California ONRW designation norms, and engage with stakeholders. That engagement can include working with the commenters to develop an agreement outlining the scope of work and intended work products stemming from the offer of assistance provided in the comment letter. This issue is not expected to result in an ONRW designation during the current Triennial Review period.

Comment CTUB-8

Conclusion

Hot Creek is one of California's most extraordinary stream systems. Its unique water quality characteristics support nationally significant uses and values. Hot Creek's crucial function as a biodiversity hotspot and its longstanding status as a legendary trout fishery merit permanent protection from water quality degradation as an ONRW. The State of California has explicitly emphasized the creation of new ONRW designations for qualifying water bodies as a priority in its 30x30 initiative.

We respectfully urge the Board to adopt the petition, with a high priority with the Triennial Review Process, to designate Hot Creek and Little Hot Creek as an ONRW as a Tier 1 or Tier 2 Project in the Amended Basin Plan for the Lahontan Region.

Response to CTUB-8

Thank you for your interest in highlighting the water quality and waterbody uses that potentially qualify Hot Creek for ONRW designation. The Triennial Review list has been updated to include this issue as an Issue in Reserve - the second category of the 2025 Triennial Review. See response to comment CTUB-1 and summary response above comment CTUB-1.

Additional Comments Submitted as a Form Letter with Variations

The organizations that submitted the CTUB letter organized a comment submittal campaign to support their request for the Lahontan Water Board to prioritize an effort to investigate the designation of Hot Creek as an Outstanding National Resource Water. This effort was aided by other organizations, such as Friends of the Inyo. While a form letter was provided by the CTUB organizations, many of the participants in the campaign personalized their comment letters.

This section provides the text of the standard language submitted by this commenting campaign, then provides a summary of recurring comment themes, and lastly provides a master response to these comments.

Form Letter Comments

The below text is a direct quote from the form letter that served as the basis for the majority of comment letters submitted.

I would like to voice my support for the designation of Hot Creek as an Outstanding National Resource Water (ONRW). Hot Creek is one of the most unique stream systems in California. Its unique geologic and hydrologic properties support a world-class fishery that attracts thousands of visitors each year and sustainable economic opportunities for surrounding communities. The area is beloved as a sacred site for Indigenous peoples and for its scenic beauty, with even more visitors stopping by just to see it's pristine beauty. It is also home to rare and sensitive species including the Owens Tui Chub. These qualities and benefits depend on the singular chemical and temperature profile of the water in Hot Creek, and ONRW designation would protect these qualities from impacts associated with proposed resource development in the area. With Mono Lake and Lake Tahoe already as ONRWs in the Lahontan Region, the Lahontan Regional Water Quality Control Board will have a third ""crown jewel"" of protected, special waters, completing the trifecta and safeguarding community values.

Hot Creek is highly deserving of ONRW designation and attempts to develop gold mining operations within one-third of a mile of Hot Creek over the past few years warrant immediate action on the part of the Lahontan Regional Water Quality Control Board. While the community has pushed back on these efforts en masse to stand up for these treasured waters, we cannot keep companies from trying again in the future. ONRW designation [sic] by the Lahontan Regional Water Quality Control Board has the power to do so by ensuring further undue degradation will not occur. Mining operations at any scale near Hot Creek present an existential threat to the outstanding qualities of this stream system. With gold near record prices and a federal administration committed to expediting and eliminating environmental reviews, it's important that we act assertively to better protect our most unique and productive aquatic habitats.

I strongly urge the Lahontan Regional Water Quality Control board to incorporate the designation of Hot Creek as an ONRW as a Tier 2 priority or higher in its Triennial Review update to the Basin Workplan to safeguard the many outstanding qualities of this prized trout fishery, sacred cultural site, and beloved scenic destination.

Variations on the Form Letter

The personalized comment letters had unique text but covered a number of recurring themes. The below bullets summarize components that occurred repeatedly, but not consistently, in the comment submittals. They are not direct quotes, as the exact language changed from letter to letter.

- A description of the beauty of Hot Creek and the ecological value of Hot Creek, including the water quality, the abundance of fish, the presence of the Owens Tui Chub, and the variety of wildlife that are supported by the Hot Creek ecosystem.
- The personal value and human connection to Hot Creek ascribed to the experience of fishing at Hot Creek, or just time spent visiting Hot Creek.
- The significance of Hot Creek and the surrounding area to local tribes.
- The economic value of Hot Creek as a primary destination for tourism that drives the Eastern Sierra economy. These comments reference tourists, hikers, and fishers.
- Opposition to a gold mine in Long Valley and the ability of ONRW designation to put a stop to any future gold mine. These comments focused on the risk for a potential gold mine to have a permanent negative impact on water quality and the Hot Creek ecosystem, and included value statements prioritizing preservation of Hot Creek over the ability of a mine to contribute to the local and national economies. A number of these comments also remarked on the urgency of adding additional protections to Hot Creek in response to the threat of a gold mine.

Master Response to Form Letters and their Variations

Triennial Review priority category

The Triennial Review List has been updated to include "Designate Hot Creek as an ONRW" in the second tier, or category. That category is Regional Issues in Reserve. See response to comment CTUB-1 and summary response above comment CTUB-1.

To clarify, the Triennial Review process is to develop a worklist for the Basin Planning Program. The issue being considered in this Triennial Review is whether to commit resources to the assessment and development of an action to designate Hot Creek an ONRW. ONRW designation is a recognition of a waterbody's exceptional recreational or ecological conditions. For waters that are of this caliber, the Clean Water Act requires that the water quality shall be maintained and protected. The decision to prioritize agency resources for this work is not a decision to designate Hot Creek as an ONRW, nor is it about the Lahontan Water Board taking a position on a potential future permit applicant, such as a mine.

The comments describe several of the characteristics of Hot Creek that make it a special place and that could support designation of Hot Creek as an ONRW. If the Lahontan Water Board prioritizes resources for this project, the subsequent steps will identify and assess factors in support of ONRW designation.