



2025 TRIENNIAL REVIEW OF THE LAHONTAN WATER QUALITY CONTROL PLAN

July 2025



STATE OF CALIFORNIA
Gavin Newsom, Governor

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
Yana Garcia, Secretary

STATE WATER RESOURCES CONTROL BOARD
E. Joaquin Esquivel, Chair

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

ESSRA MOSTAFAVI, CHAIR
ROB PEARCE, VICE CHAIR
AMY HORNE, PHD, MEMBER
KIMBERLY COX, MEMBER
RICK DEVER, MEMBER
JEFF LOUX, MEMBER

Ben Letton, Executive Officer
2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150
15095 Amargosa Road, Building 2, Suite 210, Victorville CA 92394
Internet: [Lahontan Water Board Website](#)

Contents

Introduction	4
Water Quality Standards	4
Triennial Review Process	5
Public Engagement.....	5
Input Received During Public Solicitation	6
Changes between the Draft and Final 2025 Triennial Review Prioritization List	6
Prioritization	6
Prioritization Criteria	7
Scoring and Results.....	8
Triennial Review Priorities	9
Regional Issues in Reserve	10
Issues not Recommended for Resource Prioritization	10
Triennial Review Considerations	10
Evaluation of National Recommended Water Quality Criteria as WQOs	10
Review of CWA Section 101(a)(2) “Fishable/Swimmable” Uses	12
Federal Reserved Water Rights.....	14

Introduction

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) is the state agency with primary responsibility for setting and implementing water quality standards in the part of California located east of the Sierra Nevada crest, from the Oregon border into the northern Mojave Desert. The Lahontan Region encompasses roughly 24 percent of California and includes 700 lakes and over 3,000 miles of rivers and streams. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) defines and designates beneficial uses of surface waters and groundwaters (i.e., waters of the state), establishes narrative or numeric water quality objectives (WQOs) to protect beneficial uses, and contains provisions to protect high quality waters from degradation (i.e., antidegradation). The Basin Plan also includes programs of implementation for achieving WQOs. The current Basin Plan took effect in 1995. The current Basin Plan, complete with approved amendments, can be accessed from the [Lahontan Water Board Basin Plan Program webpage](#).

California Water Code section 13240 states that basin plans “shall be periodically reviewed and may be revised.” Additionally, section 303(c)(1) of the federal Clean Water Act (CWA) instructs that a State review its water quality standards and, as appropriate, modify and adopt standards, at least once every three years. This process is known as the *Triennial Review*. The Lahontan Water Board’s Triennial Review process produces a prioritized list of basin planning issues. The prioritized Triennial Review List serves as the three-year work plan for the Lahontan Water Board’s Basin Planning Program. This will be used to direct Basin Planning efforts over the next three years, with projects and priorities subject to re-evaluation during the next triennial review, anticipated in 2028. Issues can be re-evaluated by staff and brought to the Board to reconsider issue priority at any time.

Implementation depends upon the Lahontan Water Board’s program priorities, resources, and other mandates and commitments. In addition, this Report, in the section “Triennial Review Considerations,” contains an evaluation consistent with Code of Federal Regulations, title 40, part 131.20(a). The Triennial Review does not require environmental analysis under the California Environmental Quality Act.

Water Quality Standards

Under the Clean Water Act, water quality standards include designated uses, water quality criteria, and an antidegradation policy. The Porter-Cologne Water Quality Control Act (Porter-Cologne) and state law parlance refers to the components of a water quality standard as beneficial uses, water quality objectives, and the antidegradation policy (Resolution 68-16). Porter-Cologne authorizes the Lahontan Water Board to establish a program of implementation for water quality protection in California. A program of implementation includes a description of actions necessary to achieve objectives, a time schedule for the actions to be taken, and a description of monitoring to determine compliance with WQOs. Changes to water quality standards by the Lahontan Water Board require a Basin Plan amendment.

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

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

The Basin Plan's beneficial use tables (Tables 2-1 and 2-2) document designated beneficial uses for surface waters and groundwater basins, respectively. These tables do not differentiate between existing and potential beneficial uses.

Triennial Review Process

The Triennial Review is a public process. Water quality issues with a potential basin planning nexus are solicited from multiple sources. These include State Board requirements, Lahontan Water Board staff, permittees, Tribal governments, and an assortment of stakeholders.

The Triennial Review process results in a generalized priority ranking of issues that may be addressed by the basin planning program.

The 2025 Triennial Review List of Prioritized Basin Planning Projects includes a description of each issue and an estimate of the time required to complete a project to address the issue.

Public Engagement

Triennial Review is a public process. The 2025 Triennial Review process has included the following steps:

- Informational item at the November 13, 2024, Lahontan Water Board meeting describing the purpose and process of the Triennial Review, providing an update of the 2022 Triennial Review priorities, and seeking input and additions from the Lahontan Water Board and public on a list of ten unprioritized issues
- Public solicitation of issues: a 30-day online survey, with a January 10, 2025, deadline, to receive public input on the November 2024 list of unprioritized issues and to solicit additional issues for consideration
- Public Comment on the April Draft Triennial Review staff report and draft Triennial Review list of basin planning priorities. The public comment period began April 3 and ended at noon on May 5.

After receiving comments, staff produced a final 2025 Triennial Review Staff Report, a 2025 Triennial Review List of Basin Planning Projects, and a response to comments document. The Lahontan Water Board will consider a resolution approving the Triennial Review during a Lahontan Water Board hearing. The hearing, is scheduled for the July 9, 2025, Board meeting, and was publicly noticed April 3. To complete the Triennial Review process, staff will transmit an adopted resolution, the 2025 Triennial Review

Staff Report and the 2025 Triennial Review List of Basin Planning Projects to the U.S. Environmental Protection Agency.

Input Received During Public Solicitation

Staff received a single response to the online survey soliciting Triennial Review issues to consider for resource prioritization. The response, from Trout Unlimited, requested the Lahontan Water Board consider prioritizing the designation of Hot Creek and Little Hot Creek as Outstanding National Resource Waters (ONRWs). Trout Unlimited also submitted to staff a ten-page “petition” letter with the same request and providing additional context and justification for the request. Trout Unlimited subsequently gave a presentation during Open Forum (Agenda item 1) at the Lahontan Water Board’s January 30, 2025, regular meeting.

The public comment period resulted in 533 comment letters received by the deadline. These submittals include one letter from Los Angeles Department of Water and Power commenting on four proposed basin planning priorities, a joint letter from California Trout, Trout Unlimited, and Backcountry Hunters and Anglers, in support of prioritizing a project to designate Hot Creek and Little Hot Creek as ONRWs, and 531 comment letters in support of the same basin planning issue. While these comment letters overwhelmingly shared the same text, a good number include additional or unique content. Several letters focused on protecting Hot Creek from the threat of mineral development (a gold mine) in Long Valley, the setting that includes Hot Creek.

Changes between the Draft and Final 2025 Triennial Review Prioritization List

The main change from the April 2025 draft is the elevation of the *Designate Hot Creek as an ONRW* issue from the category Issues Not Recommended for Resource Prioritization to the category Regional Issues in Reserve. This change recognizes the high level of public interest in designating Hot Creek an ONRW as well as the petition and commenters’ description of Hot Creek’s characteristics which are a reasonable first step to support justification of Hot Creek’s ecological and recreational significance.

Prioritization

The Triennial Review issues were prioritized using nine (9) prioritization criteria to develop a draft Triennial Review list. Seven of the criteria are derived from the agency Goals. Of the two remaining criteria, one criterion captures the readiness of an issue (*Basin Planning Need Aligns with Triennial Review Period*), and the other supports continued work on previously prioritized basin planning issues (*Previous Priority with Allocated Resources*). The prioritization criteria are listed below. The breadth of prioritization criteria provides a suitable approach to compare disparate basin planning issue types for workplan assignment.

Prioritization Criteria

Protect human health: An issue has a nexus with the protection of human health and such protections can be improved by addressing the issue. Examples could include protecting beneficial uses, such as REC-1, MUN or COMM, or incorporating updated human health water quality objectives into the Basin Plan.

Protect aquatic life: An issue has a nexus with improving the Lahontan Water Board's ability to protect aquatic life beneficial uses, such as COLD, WARM, or SPWN. Examples include standards actions or improving or updating implementation tools available to regulatory staff.

Outstanding National Resource Waters: A nexus to restoring, maintaining, or enhancing the water quality of Lake Tahoe or Mono Lake, California's two ONRWs.

Climate Change Adaptation and Mitigation: Changes to the Basin Plan which help the Lahontan Water Board implement the Climate Change Adaptation and Mitigation Strategy and support the Lahontan Water Board's ability to restore, enhance, and preserve water resources in the face of climate change. Examples include protections for source waters, changes to encourage meadow restoration, and floodplain protection.

Seek Environmental Justice and intentional support of Disadvantaged Communities: Actions that allow for proactive and intentional support of Disadvantaged Communities or historically disenfranchised populations, including Native American residents of the Lahontan Region. Such populations are often more susceptible to the human health risks associated with drinking water pollution, climate change, and land use patterns, and are often the least financially able to adapt to such challenges.

Improve communication by promoting clarity and consistency: Opportunities to improve issues of clarity or consistency within the Basin Plan. Benefits of such efforts include improved understanding by those affected by the plan. Such changes will help improve internal communication, communication with stakeholders, and will ease personnel succession planning and training. Promoting clarity and consistency will help create a psychologically safe workplace.

Customer service responsiveness by improving process, efficiency and seeking agreeable water quality improvements: Addressing an issue helps the Lahontan Water Board be responsive to stakeholders, Tribal governments, and the general public, and assists with, or provides for, agreeable water quality improvements. This criterion also seeks to improve efficiency in core regulatory programs and avoid actions that place unnecessary burden on public resources without the benefit of commensurate water quality protection.

Previous Priority with Allocated Resources: Issues were prioritized in previous Triennial Review cycles and/or resources were otherwise committed. Basin planning projects designed to address specific issues do not often begin and end on the exact cycle of a Triennial Review. Similarly, many projects take more than three years to be completed,

depending on the complexity of the technical and policy issues. This criterion supports the continued work on issues supported by Board action and/or Executive direction.

Basin Planning Need Aligns with Triennial Review Period: The issue is ripe to evaluate and address. It will not be dependent on outside information or resources not to be available in the three-year period of this Triennial Review.

Scoring and Results

This effort prioritizes a total of 12 basin planning issues. Eleven of these issues originated from Lahontan Water Board staff and the remaining issue, to designate Hot Creek as an Outstanding National Resource Water, was submitted by Trout Unlimited. Project staff assessed the 12 basin planning issues against the nine criteria listed above and consulted with executive management on the rankings. The prioritization is a recommendation to the Board and incorporates ranking by criteria assessment and executive input.

At the November 13, 2024 Board meeting, the Lahontan Water Board advised staff both to prioritize discrete projects that improve the efficiency and effectiveness of the Lahontan Water Board's core regulatory functions and to create capacity for more complex basin planning efforts. To meet this direction, staff scored the criterion *Customer Service Responsiveness by Improving Process, Efficiency and Seeking Agreeable Water Quality Improvements* criteria, with a scale allowing a maximum score of 1.5 times that of the maximum score of the remaining criteria. Staff also continues to score the *Protect Human Health* criterion with a 1.5 multiplier of the remaining criteria because of the paramount importance of protecting the citizens and visitors to the State of California. Both weighed criteria align with the agency's Regional Goals, and projects that address these goals are often prioritized within the region.

Some potential basin planning issues start as good ideas that are proposed with an incomplete conceptualization of how a potential Basin Plan amendment would address the problem. The Lahontan Water Board requested that staff recognize the resources and process to develop complex basin planning issues from an initial idea to complete and thorough concepts. That process helps determine if the issue should result in a Basin Plan amendment, or if the solution has a different end point. The Lahontan Water Board put forth the concept of a "reserve project" that identifies space to work on more complex basin planning issues. These issues in reserve are not prioritized, but staff are still slowly working on the conceptual framework of what a Basin Plan amendment could be and how it would address the issue. If an issue in reserve is sufficiently developed staff can recommend the issue be prioritized by the Board for basin planning resources.

Pursuant to Board direction from the November 2024 Triennial Review informational item, this list includes a sixth issue in reserve, *Update Aquatic Pesticide Prohibition Exemption*. Assessing and processing requests for exemptions to the prohibition on the discharge of aquatic pesticides to water has been identified by staff and management as worthy of review. The demand for these exemptions has evolved over time as the challenges of addressing Aquatic Invasive Species and, increasingly, Harmful Algal

Blooms, have become clearer. This Triennial Review recommends that the issue, *Update Aquatic Pesticide Prohibition Exemption*, should also be given dedicated resources from a collaboration of programs because doing so will address a regional issue with implications on multiple programs.

This Triennial Review also recommends that a seventh issue be in reserve, *Designate Hot Creek as an ONRW*. A reasonable case can be made that characteristics of Hot Creek, with its unique hydrology and ecology, and its recognized recreational value, may justify designation as an ONRW. Neither the Lahontan Water Board nor the State Water Board have a protocol or guide for assessing and designating a waterbody as an ONRW. The North Coast and Central Valley Regional Water Quality Control Boards have, in their most recent Triennial Reviews, dedicated resources to ONRW designation projects. Additionally, Trout Unlimited, in its comment letter and other communication, has offered to develop a technical report from which staff can draw to develop the documentation necessary for a basin planning action. This Triennial Review recommends that the issue *Designate Hot Creek as an ONRW* be given resources to engage with the North Coast, Central Valley, and State Water Boards on the topic of ONRW designation generally, and to engage with Trout Unlimited to coordinate on scope and development of their proposed technical document, and to further engage with other parties with an interest in Hot Creek.

Further issues that are neither high priority nor in reserve, termed *Issues not Recommended for Resource Prioritization*, are not judged to be without merit. Rather, they are unable to be addressed by the available basin planning resources. Should resources become available, or some other factor arises supporting their prioritization, the Board will be asked to re-prioritize the issue.

Prioritization recommendations in this report are presented to guide the Lahontan Water Board in their prioritization.

The Lahontan Water Board may choose to accept the staff recommendation for prioritizing identified basin planning issues at the Board hearing, or the Board may choose to adjust the Triennial Review list before adoption.

The result of the prioritization assessment is a recommendation to elevate **five** Basin Planning needs for resources in the coming Triennial Review period, while working to slowly develop two issues as future priorities.

The staff recommendation for prioritizing identified basin planning issues is identified below and described in the 2025 Triennial Review List of Basin Planning Projects. The order the issues appear in within each category does not indicate the priority of ranking:

Triennial Review Priorities

- Update Total Nitrogen WQO for Hot Creek
- Designation of Tribal Beneficial Uses – Mono Basin
- Designation of Tribal Beneficial Uses – Waterbodies To Be Determined

- Editorial Clean-up and format update of the Basin Plan
- Expand Project Categories in Table 4.1-1

Regional Issues in Reserve

- Update Aquatic Pesticide Prohibition Exemption
- Designate Hot Creek as an ONRW

Issues not Recommended for Resource Prioritization

- Update the Regionwide Turbidity WQO
- Setbacks from Wetlands or other Waters
- High Quality Beneficial Use
- Update WQOs for Salinity (TDS, chloride)
- Evaluate and Update WQOs for ammonia

Triennial Review Considerations

Evaluation of National Recommended Water Quality Criteria as WQOs

During the Triennial Review process, the Lahontan Water Board receives public input on water quality standards and evaluates the need to modify or adopt new water quality objectives or beneficial uses. Federal regulations at 40 CFR § 131.20(a) provides, “[t]he State shall from time to time, but at least once every 3 years, hold public hearings for the purpose of reviewing applicable water quality standards . . .” CWA section 303(c)(2)(B) provides “that a state shall adopt criteria for toxic pollutants for which criteria have been published under CWA section 304(a), the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support designated beneficial uses.” In accordance with 40 CFR § 131.20(a), states and tribes provide an explanation for why they did not adopt new or revised criteria for parameters for which U.S. EPA has published new or updated CWA section 304(a) criteria recommendations. States and tribes are not required to adopt the recommended criteria but must consider them. “Ultimately, states and authorized tribes must adopt criteria that are scientifically defensible and protective of designated uses to ensure that [water quality standards] continue to ‘protect public health or welfare, enhance water quality and serve the purposes of’ the [CWA].” (80 Fed. Reg. 51028.) States and authorized tribes “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.” (Id.) “A state’s or authorized tribe’s explanation may be situation-specific and could involve consideration of priorities and resources.” (Id. at p. 51029)

This section of the report contains the Lahontan Water Board’s consideration of new or revised CWA section 304(a) recommended criteria for certain toxic pollutants and explanation for why, based on its analysis, it is unnecessary to revise the Basin Plan

water quality objectives for those pollutants in light of the new or revised recommended criteria. Specifically, the Lahontan Water Board considered 304(a) recommended criteria for those toxic pollutants for which the Lahontan Water Board has adopted site-specific water quality objectives (SSOs) or unique regionwide objectives.

The Lahontan Water Board does not have site specific objectives or unique regionwide water quality objectives for priority pollutants. For most parameters for which the Lahontan Water Board has site-specific objectives or unique regionwide objectives, USEPA has not published new or revised 304(a) recommended criteria since before 2000, or the Board's objectives are more stringent than current 304(a) recommended criteria. Non-priority pollutant water quality objectives in the Lahontan Basin Plan for which there are 304(a) recommended criteria, include: dissolved oxygen, pH, iron, and ammonia.

Dissolved oxygen: The 304(a) recommended criteria for dissolved oxygen were updated in 1986. The Lahontan Basin plan contains regionwide and site-specific objectives for dissolved oxygen that apply to water body segments in the Region. The Basin Plan objectives are more stringent than the 304(a) recommended criteria. The 304(a) criteria were not updated since the most recent Triennial Review.

pH: The 304(a) recommended criteria for pH were updated in 1986. The Lahontan Basin Plan contains regionwide site specific objectives for pH that are more stringent than the 304(a) recommended criteria and were developed to be more relevant to local conditions. The 304(a) criteria were not updated since the most recent Triennial Review.

Iron: The 304(a) recommended criteria for iron were updated in 1986. For aquatic life the 304(a) criteria is 1.0 mg/L. The Lahontan Basin plan contains site-specific objectives for iron that applies to specific water body segments in the Region. These objectives for total iron in the Lake Tahoe, Truckee River, and Little Truckee River hydrologic units, are all more stringent than the 304(a) recommended criteria, in some cases by more than an order of magnitude. Additionally, all waters designated with the Municipal and Domestic Supply (MUN) beneficial use are subject to the secondary maximum contaminant level (SMCL) in Title 22 of the California Code of Regulations. That objective of 0.3 mg/L matches the 1986 304(a) recommended criteria for domestic water supplies and applies to all MUN designated waters regardless of the status of their use for supply. The 304(a) criteria were not updated since the most recent Triennial Review.

Ammonia: The 304(a) recommended criteria for ammonia were updated in 2013. The toxicity of ammonia is dependent on the proportion of total ammonia that exists in the toxic, unionized form, which varies based on pH and temperature.

The Lahontan Basin Plan contains a site-specific water quality objective for un-ionized ammonia for the Owens River Hydrologic unit for the Pine Creek watershed. This objective was developed to be relevant to local conditions and is protective of beneficial uses. The Lahontan Basin Plan contains a site-specific water quality objective for total ammonia for the Antelope Hydrologic Unit that applies to Amargosa Creek downstream

of the Los Angeles County Sanitation District No. 14 discharge point, and to the Piute Ponds and associated wetlands. U.S. Army Corps of Engineers (USACE) determined in 2002 that the waters of the Amargosa Creek watershed, and other surface waters within the boundaries of Edwards Air Force Base, are not "waters of the United States."

The regionwide water quality objective for ammonia is based on the 1986 EPA criteria. EPA's 2013 criteria for ammonia takes into account data from several sensitive species in the Family Unionidae that had not been previously tested. It is not yet known whether the species of freshwater mussels in waters within the Lahontan Region are different than the species USEPA used in the toxicity dataset for development of the 2013 ammonia criteria. Some waters may hold Unionidae mussels. The Lahontan Region includes many seasonal waters which would be unable to support freshwater mussels. This Triennial Review includes an issue description to update the ammonia water quality objectives using the 2013 recommended criteria. The Lahontan Board has considered the revised 304(a) recommendations and does not plan to adopt the revised criteria during the next three years due to resource limitations, other priority project outlined in this report, and the need for further research to determine protectiveness of the existing water quality standard.

The Lahontan Basin plan includes a chemical constituent standard that incorporates statewide maximum contaminant levels (MCLs). For statewide water quality objectives, the State Water Resources Control Board (State Water Board) is in the process of reviewing federally promulgated water quality standards for California and Clean Water Act section 304(a) recommended criteria. A working draft comprehensive comparison table of the U.S. EPA's California Toxics Rule Criteria, Water Quality Objectives Established by the Lahontan Water Boards, and U.S EPA recommended Clean Water Act section 304(a) criteria have been developed to assist the public in comparing various federal water quality standards and criteria to California's Water Quality Objectives. ([2024 Review of State Water Quality Control Plans and Policies for Water Quality Control | California State Water Resources Control Board](#)). Consistent with past practices, the Lahontan Water Board will coordinate with the State Water Board to ensure that any action to adopt or revise statewide water quality objectives resulting from its CWA 304(a) review supersedes corresponding Basin Plan objectives.

Because the review included in this report and the State Water Board's review of, and potential action related to, 304(a) criteria for statewide standards address the requirements of the CWA, a candidate Triennial Review project to review CWA section 304(a) criteria is not needed in the list of Triennial Review projects.

Review of CWA Section 101(a)(2) "Fishable/Swimmable" Uses

This document contains a review of Clean Water Act (CWA) section 101(a)(2) uses, more commonly known as "fishable/swimmable" uses in the Basin Plan. Section 101(a)(2) provides, "[I]t is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983." (33 U.S.C. § 1251(a)(2).) The CWA regulations at 40 CFR § 131.20(a) provides, "The State

shall from time to time, but at least once every 3 years, hold public hearings for the purpose of reviewing applicable water quality standards adopted pursuant to §§ 131.9 through 131.15 and Federally promulgated water quality standards and, as appropriate, modifying and adopting standards... The State shall also re-examine any waterbody segment with water quality standards that do not include the uses specified in section 101(a)(2) of the Act every 3 years to determine if any new information has become available. If such new information indicates that the uses specified in section 101(a)(2) of the Act are attainable, the State shall revise its standards accordingly.”

The Lahontan Water Board has re-examined water body segments lacking fishable/swimmable uses to determine if any new information has become available that indicates the uses are attainable.

All but five Lahontan surface waters are designated REC-1 (Piute Ponds, Piute Ponds Wetlands, Rosamond Dry Lake, Amargosa Creek below Los Angeles County Sanitation District Discharge, and Opal Mountain Springs). Four of the waterbodies are in the Antelope Hydrologic Unit (Lancaster Hydrologic Area), and the fifth waterbody, Opal Mountain Springs, is located in the Fecal Bacteria Water Quality Objectives Basin Plan Amendment 24 Mojave Hydrologic Unit (Harper Valley Hydrologic Subarea). No evidence has been found to support the existence of recreational use or the ability to attain such uses at these five waterbodies. Further, no documentation indicates these are Waters of the United States.

Prior to 2009 the first four waterbodies were designated with the REC-1 beneficial use. With Resolution No. 2009- 0018 the State Water Board approved an amendment to the Lahontan Region Basin Plan (R6T-2007-0036) which included the removal of the REC-1 beneficial use from those waters. This resolution also references a US Army Corps of Engineers determination that these waters are not “waters of the United States.” Access to these waters for recreation is restricted by protocols imposed by the United States Air Force Edwards Air Force Base, on which they are located.

Opal Mtn Springs is an isolated waterbody in the vicinity of Opal Mountain north of Barstow, and near the Black Mountain Wilderness Area administered by the Bureau of Land Management. The waterbody is designated with one beneficial use, Water Quality Enhancement (WQE). In November 2000 the Lahontan Water Board passed Resolution 6-00-66, which included designation of Opal Mtn Springs with a number of additional beneficial uses, including REC-1. However, with passage of State Board Resolution No.2002-0001, those designations were remanded by the State Water Board prior to submission to U.S. EPA for approval because no evidence was provided to justify the designations. A visual search for a spring near Opal Mountain using the online USGS map application, TNM Viewer, revealed a spring symbol approximately a quarter mile southeast of Opal Mountain. An aerial view, using Google Maps and the coordinates of the spring (35.151880° N 117.176354° W) appears to show a fenced area, approximately 50’ by 50’ with what appears to be a rectangular spring box at its center. In conclusion, the waterbody appears unable to support recreational beneficial uses. The waterbody is unlikely to be a water of the United States, though such a delineation has not been sought or confirmed.

Many Lahontan Region waters are designated COMM, a characteristic of the Basin Plan that is not shared by all other Regions' Basin Plans. The breadth of these designations demonstrates that identification and protection of 101(a)(2) uses has generally been evaluated in the establishment of beneficial uses in the Lahontan Region waters. In waterbodies with no COMM or other "fishable" use, new information has not become available that indicates the uses are attainable. Many of the waterbodies not designated COMM do not have physical characteristics to support fish species, or fish species that would support the COMM use. Types of waters without COMM designation include hot springs, marshes, alkali lakes, wetlands, and intermittent waters. In one case of waterbodies not being designated COMM, the waters of Fish Slough Ecological Preserve are habitat for the federally endangered Owens Valley pupfish.

As required, the Lahontan Water Board will continue to re-examine waters to determine if new information has become available concerning the attainability of CWA section 101(a)(2) uses in future triennial reviews.

Federal Reserved Water Rights

40 CFR 131.20(a) states in part: "This [triennial] review shall include evaluating whether there is any new information available about Tribal reserved rights applicable to State waters that needs to be considered to establish water quality standards consistent with § 131.9." Tribal reserved rights" are defined as "any rights to CWA-protected aquatic and/or aquatic-dependent resources reserved by right holders, either expressly or implicitly, through Federal treaties, statutes, or Executive orders." (40 CFR 131.3(r).) The Lahontan Water Board has no new information about Tribal reserved rights applicable to state waters that need to be considered to establish water quality standards. The Lahontan Water Board will continue to engage with U.S. EPA and Tribes to receive relevant information regarding Tribal reserved rights and consider modifications to water quality standards, as appropriate.