

Kwok, Rose

From: Dan Mosley <dmosley@plpt.nsn.us>
Sent: Friday, August 27, 2021 11:38 AM
To: CWAwotus
Cc: kenpnorton@gmail.com; Elaine Hale Wilson; mwright@plpt.nsn.us
Subject: Comment: Tribal Consultation Kick-Off Webinar on the Revised Definition of "Waters of the United States"
Attachments: PLF Comment to USEPA on WOTUS - 08.27.21.pptx

This is Daniel Mosley, Fisheries Director, Pyramid Lake Paiute Tribe – Nevada. I am also a Nat'l Tribal Water Council member.

My comment when considering revisions to the 2020 WOTUS Rule: Ephemeral & intermittent streams should be afforded protection under the CWA, especially when those waters have a significant nexus to navigable waters as they do on the Pyramid Lake Indian Reservation in Northern Nevada. These streams have hydrologic connections within gaining/losing reaches of the stream which are important to riparian habitat and aquatic life which adapted to living in these streams. Aquatic life will retreat to the hyporheic or wetted zone when surface flows cease. The reason why it is important to protect the physical, biological, and physical integrity of not only perennial streams, but intermittent and ephemeral streams especially in the southwest areas of the U.S. Especially important in the great basin region in Nevada.

I served as the primary contact for the Pyramid Lake Paiute Tribe to EPA Region 9 during the WQS approval process 2000 to 2008. We submitted our TAS application to EPA Region 9, first in 1994, again in 2004, along with the Tribe's Water Quality Control Plan which included our WQS. After submission, Region 9 EPA's response was that in addition to Pyramid Lake and the Truckee River, we need to provide WQS protection to all surface waterbodies within the exterior boundaries of the reservation, including perennial, intermittent, and ephemeral streams, springs and wetlands.

The Tribe's perennial & intermittent streams, springs, and wetlands were previously delineated and mapped. I spent the next year verifying the perennial, intermittent, and ephemeral streams which had a significant nexus to Pyramid Lake and the Truckee River. In response to EPA's comments, these waterbodies were included in the Tribe's Water Quality Control Plan (WQCP) and approved by EPA (2007). These same waterbodies are covered by narrative standards (pgs 12 to 14, WQCP).

<https://www.epa.gov/sites/default/files/2014-12/documents/pyramid-lake-tribe.pdf>

The Tribe went through a long process to obtain EPA approval of the Tribe's Water Quality Control Plan beginning in 1994. With growth and development occurring closer to the borders of the reservation, it is imperative that all of our waterbodies are afforded WQS protection under the CWA. The Tribe has no plans to remove intermittent, and ephemeral streams from protection in the Tribe's Water Quality Control Plan. See the attached powerpoint which I have presented to EPA OW folks last year.

Sincerely, Dan

Daniel Mosley
Executive Director
Pyramid Lake Fisheries
603 Sutcliffe Dr
Sutcliffe, NV 89510

Office: (775) 476-0500 x1514

Cell: (775) 399-3709