BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY
Big Pine Paiute Indian Reservation

February 17, 2025

Honorable Administrator
Sarah Dunham
U. S. Environmental Protection Agency
Docket Center, OAR
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via email to a-and-r-docket@epa.gov

Re: **Big Pine Paiute Tribe of the Owens Valley** comments on ***Interim Framework for Advancing Consideration of Cumulative Impacts*** Docket ID **EPA-HQ-OLEM-2024-0360**.

Dear Honorable Administrator Dunham,

The **Big Pine Paiute Tribe of the Owens Valley (Tribe)** is pleased to submit this letter to provide comments on the U.S. Environmental Protection Agency's (EPA) proposed guidance on ***Interim Framework for Advancing Consideration of Cumulative Impacts*** (Framework).

The **Big Pine Paiute Tribe** is supportive of the EPA's efforts to incorporate cumulative impact assessment throughout its decision-making processes. As indicated in the proposed Framework,

> Environmental public health research has shown that the cumulative impacts of longstanding place-based inequalities in exposures to environmental hazards are significant, with health disparities linked to these inequalities (e.g., Banzhaf et al., 2019; EPA 2021b; Juarez et al., 2014; Lee, 2021; Mohai et al., 2009; Morello-Frosch et al., 2011; Solomon et al., 2016).

This is particularly important to the **Tribe** because most Tribal members are living in poverty, the Paiute People do not have water rights and are living eight miles north of a designated non-attainment area for PM10 (the Owens Dry Lake). Residents with income below the poverty level in 2015: Big Pine: 12.6% Whole state: 20.2% Residents with income below 50% of the poverty level in 2015: Big Pine: 7.1% Whole state: 6.7%. In addition to having high rates of poverty,

increasing numbers of Owens Valley Paiute suffer from asthma, Cirrhosis of the liver, and heart disease. Leading Causes of Death in Inyo county (home of the Owens Valley Paiute Tribes) corresponding death rates are greater than the state by a large margin. Deaths from diseases of the heart are 3 times higher in Inyo County than California. Cirrhosis of the liver is also more than 3 times higher.

As far as water rights for the Big Pine Paiute Tribe**,** broken treaties begun by the Federal government history tells the cumulative impacts story of stolen land rich with subsistence resources and water. Before these treaties, the Paiute dug irrigation ditches that routed runoff from melting Sierra Nevada snow into the Payahuunadü. But unlike modern irrigation practices, the Paiutes did not channel the water onto farms or specific plots of land. The water was used to irrigate 'wild' seed plants. The irrigation helped the growth of grass nuts and tubers that made up a significant part of the native diet. The ditches also funneled native fish into areas where they were easy to catch. The irrigation canals distributed the water across the Payahuunadü (Wei, 2016).

Owens Lake had held water continuously, and at times overflowed to the south, for at least the 800,000 years prior to 1913 (Smith et al., 1993). In 1913 the Los Angeles Department of Water and Power (LADWP) began pumping Owens Lake, which at the time spanned 108 square miles (~1/3 the size of Lake Tahoe), to provide water to Los Angeles. By 1926 the lake was dry. In 1970, a second aqueduct that mainly pumps groundwater from the Owens Valley for use in Los Angeles was added. This ongoing water export has intensified the effects of precipitation changes and drought caused by climate change in the Eastern Sierra. This change to the Owens Valley climate has also caused a troubling rise in the level of PM10. Owens (dry) Lake is currently the largest source of PM10 in the United States, thirty tons of which is arsenic and nine tons of which is cadmium. USEPA estimates that 94% of the PM10 in the Owens Valley comes from the now dry Owens Lake (USEPA, 2017).

As the climate changes the cultural and spiritual health of the Paiute Tribes are impacted. You cannot separate the health of the earth from the health of the Paiute People. All Owens Valley Tribes have seen a loss of gathering areas and ceremonial locations, a reduction in traditional medicines and foods, impacts on culturally important fish species, and a loss of traditional waters through both drought and groundwater pumping for export by LADWP. Tribes have observed that pumping is causing local streams and springs to die which has a cascading and compounding impact on the surrounding insects, fish, mammals, and vegetation.

The **Big Pine Paiute Tribe of the Owens Valley** supports the progression of this Framework in incorporating local community and Tribal input in the decisions that impact them for the reasons stated above. In the guidance, EPA outlines how it might tailor the consideration of cumulative impacts to match the needs of a range of specific decisions from place-based to national scope. These decisions may relate to standard setting, rulemaking, funding, and initiation of administrative or judicial actions.

The Framework does not address, however, when it is relevant or consistent with law to use a cumulative impacts approach. These policy decisions remain the responsibility of EPA's programs. Nor does the Framework provide detailed instructions on how to consider cumulative impacts in specific contexts. This can give the decision maker flexibility to not conduct cumulative impact assessments thoroughly and Tribal engagement in the decision-making process. Our **Tribe** encourages EPA to continue to provide more direction on how these

decisions are consistent with statutory requirements and relevant Executive Orders, and where they should be applied.

In conclusion, **the Big Pine Paiute Tribe of the Owens Valley** appreciates the opportunity to submit this comment and looks forward to further work with EPA on this important issue. The Tribe may want to ask for consultation on the framework if appropriate If you have any questions or require clarification, please do not hesitate to contact **Cindy Duriscoe, Air Program Coordinator** at **c.duriscoe@bigpinepaiute.org.**

Respectfully,

Cheyenne Stone, Tribal Chairperson

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