

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION –DIVISION OF WATER QUALITY
SEPTEMBER 20, 2016**

ITEM 11

SUBJECT

UPDATE ON THE PUBLIC PARTICIPATION INPUT RECEIVED ON THE DRAFT BENEFICIAL USE DEFINITIONS PERTAINING TO TRIBAL TRADITIONAL AND CULTURAL USE, TRIBAL SUBSISTENCE FISHING USE, AND SUBSISTENCE FISHING USE.

DISCUSSION

On February 16, 2016, the State Water Board adopted [Resolution No. 2016-0011](#) directing State Water Board staff to

1. Develop proposed beneficial use categories, including definitions, pertaining to tribal traditional and cultural use, tribal subsistence fishing use, and subsistence fishing use by other cultures of individuals.
2. Consider the beneficial uses presented in Attachment A of the resolution when developing the aforementioned proposed beneficial use categories.
3. Utilize the applicable public participation process when developing the proposed beneficial use categories and seek input from representatives of tribes, environmental justice organizations, the regulated community and all other interested entities and individuals. The Board further directed staff, after conducting the public participation process, to inform the Board (no later than the end of summer 2016) on the input received in order to obtain further direction from the board.

Starting with the beneficial use definitions proposed in Attachment A of Resolution No. 2016-0011, Board staff developed draft definitions for Tribal Traditional and Cultural Use, Tribal Subsistence Fishing Use and Subsistence Fishing Use. Staff convened a series of focused outreach meetings with interested parties including representatives from tribes, California water agencies, industrial permittees, publicly owned treatment works (POTWs), stormwater regulatory agencies, non-governmental organizations (NGO)s, environmental organizations, and agriculture, dairy, and livestock interests.

Board staff will present a summary of the findings and comments received from the outreach efforts.

POLICY ISSUE

None

FISCAL IMPACT

None

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

Staff recommends that the State Water Board direct staff to proceed per Resolution No. 2016-0011 in developing statewide consistent beneficial use categories and definitions as part of the Mercury Amendment to the Statewide Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.