

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – CENTRAL VALLEY REGIONAL WATER BOARD
SEPTEMBER 7, 2022**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE CENTRAL VALLEY REGION TO ADD DEFINITIONS FOR THREE NEW BENEFICIAL USES—TRIBAL TRADITION AND CULTURE (CUL), TRIBAL SUBSISTENCE FISHING (T-SUB), AND SUBSISTENCE FISHING (SUB).

DISCUSSION

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) identified in its 2018 Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (Basin Plans) the prioritization of a Basin Plan amendment to add Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T- SUB), and Subsistence Fishing (SUB) beneficial use designations to the Basin Plans, and to engage with Tribes to identify waters that support Tribal beneficial uses.

Chapter 2 of the Basin Plans defines and designates the beneficial uses for all surface and ground waters in the Central Valley region. The amendments modify the Basin Plans to add to Chapter 2 definitions for three new beneficial uses (CUL, T-SUB, SUB) and related language. The definitions for the new beneficial uses are the same as those previously established by the State Water Resources Control Board (State Water Board) when it adopted Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California— Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions ([Resolution No. 2017-0027](#)).

Resolution No. 2017-0027 stipulates that the Regional Water Boards shall use the three new beneficial uses and abbreviations (CUL, T-SUB, SUB) to the extent such activities are defined in a Water Quality Control Plan (“Basin Plan”) after June 28, 2017. The Basin Plan amendments and [Resolution R5-2022-0018](#) are posted on the Central Valley Water Board’s Tribal Beneficial Uses [website](#).

Designations of the new beneficial uses to specific waterbodies, where those uses are existing or attainable, will be considered under a future, separate Basin Plan amendment process. Input from California Native American Tribes and the subsistence fishing communities will be a vital part of the beneficial use designation process, and any designations of CUL and T-SUB will be confirmed as appropriate by a California Native American Tribe.

POLICY ISSUE

Should the State Water Board approve the Amendment to the Central Valley Water Board's Basin Plans to Add Definitions for Three New Beneficial Uses - Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T- SUB), and Subsistence Fishing (SUB)?

FISCAL IMPACT

Central Valley Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Central Valley Water Board's Basin Plans.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendments to the Basin Plans adopted under Central Valley Water Board Resolution R5-2022-0018.
2. Authorizes the Executive Director or designee to submit the amendments adopted under Central Valley Water Board Resolution R5-2022-0018 as approved, and the administrative record for this action to the Office of Administrative Law and the Resolution to the U.S. Environmental Protection Agency for approval.