17/18 February 2022 BOARD MEETING
DISCUSSION AGENDA ITEM

AGENDA ITEM: 20

SUBJECT:

Proposed Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to add the Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) Beneficial Use Definitions identified in Part 2 of the State Water Resources Control Board's Inland Surface Waters, Enclosed Bays, and Estuaries Plan – Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions

BOARD ACTION:

Consider adoption of Proposed Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to add the CUL, T-SUB, and SUB Beneficial Use Definitions identified in Part 2 of the State Water Resources Control Board's Inland Surface Waters, Enclosed Bays, and Estuaries Plan – Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions.

BACKGROUND:

The State Water Board adopted Resolution 2017-0027, which approved "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" on May 2, 2017. With the adoption of Resolution 2017-0027, the State Water Board established three new beneficial use definitions for use by the State and Regional Water Boards: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). Resolution 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 after June 28, 2017.

Chapter 2 of the Central Valley Basin Plans defines and designates the beneficial uses for all surface and ground waters in the Central Valley Region. The proposed amendment will add to Chapter 2 of the Central

Valley Basin Plans the definitions of CUL, T-SUB, and SUB from the statewide Resolution 2017-0027. CUL reflects uses of water that support the cultural, spiritual, ceremonial, and traditional ways of living by California Native American Tribes. The T-SUB and SUB beneficial uses are for uses of water involving the non-commercial catching or gathering of natural aquatic resources for consumption by individuals, households, or communities to meet needs for sustenance. These beneficial uses recognize populations that are likely to consume more fish than the average recreational angler in California, thus at a higher human health risk from bioaccumulative contaminants in fish tissue such as mercury. Tribal Beneficial Uses (TBUs) help protect activities specific to Native American Culture and Tribes' historic uses of California waters and may be designated to stretches of rivers or creeks or whole water bodies by the Regional Water Boards.

The proposed amendment will add only the definitions for the three new beneficial uses into the Central Valley Region's Basin Plans. Board staff will receive designation requests for CUL and T-SUB beneficial uses on a rolling basis from interested Tribes and are in the initial steps of developing a designation process for the CUL beneficial use. Designations of the new beneficial uses to specific waterbodies will be considered under future Basin Plan amendments.

RECOMMENDATION:

Staff recommends adoption of the Proposed Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to add the Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Use Definitions identified in Part 2 of the State Water Resources Control Board's Inland Surface Waters, Enclosed Bays, and Estuaries Plan –Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions.

REVIEWS:

Management Review:	MDH
Legal Review:	

BOARD MEETING LOCATION:

Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670

☒ ***Internet Zoom Meeting***