

Central Valley Regional Water Quality Control Board Tribal Beneficial Uses Update Meeting

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Central Valley Regional Water Quality Control Board

Meeting Procedures

- Email RB5S-TBU@waterboards.ca.gov for connectivity issues
- This meeting will **not** be recorded
- The chat will not be monitored. Please raise your hand to ask questions
- Everyone is able to unmute their lines
- Please announce your name and affiliation before asking your question
- If you are calling in: press *9 to raise hand and *6 to unmute and *9 and *6 to lower hand and mute when you are done

Outline

Item	Topic	Speakers	Time
1	Introductions	Tribal Nations, CVWB	1:00 – 1:20 pm (20 minutes)
2	Tribal Beneficial Use project background and update	CVWB	1:20 – 2:00 pm (40 minutes)
3	Questions and input on designation process and approach	Tribal Nations	2:00 – 2:55 pm (55 minutes)
4	Closing remarks	CVWB	2:55 – 3:00 pm (5 minutes)

Introductions

- Tribal Nations
- Tribal Organizations
- Water Boards
- Others

Tribal Beneficial Uses Project: State Water Board

2017 – State Board adopted the Mercury Provisions - established three new beneficial uses – CUL, T-SUB, and SUB

Tribal Tradition and Culture (CUL): Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.

Tribal Subsistence Fishing (T-SUB): Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities of California Native American Tribes to meet needs for sustenance.

CUL Beneficial Use May Involve:

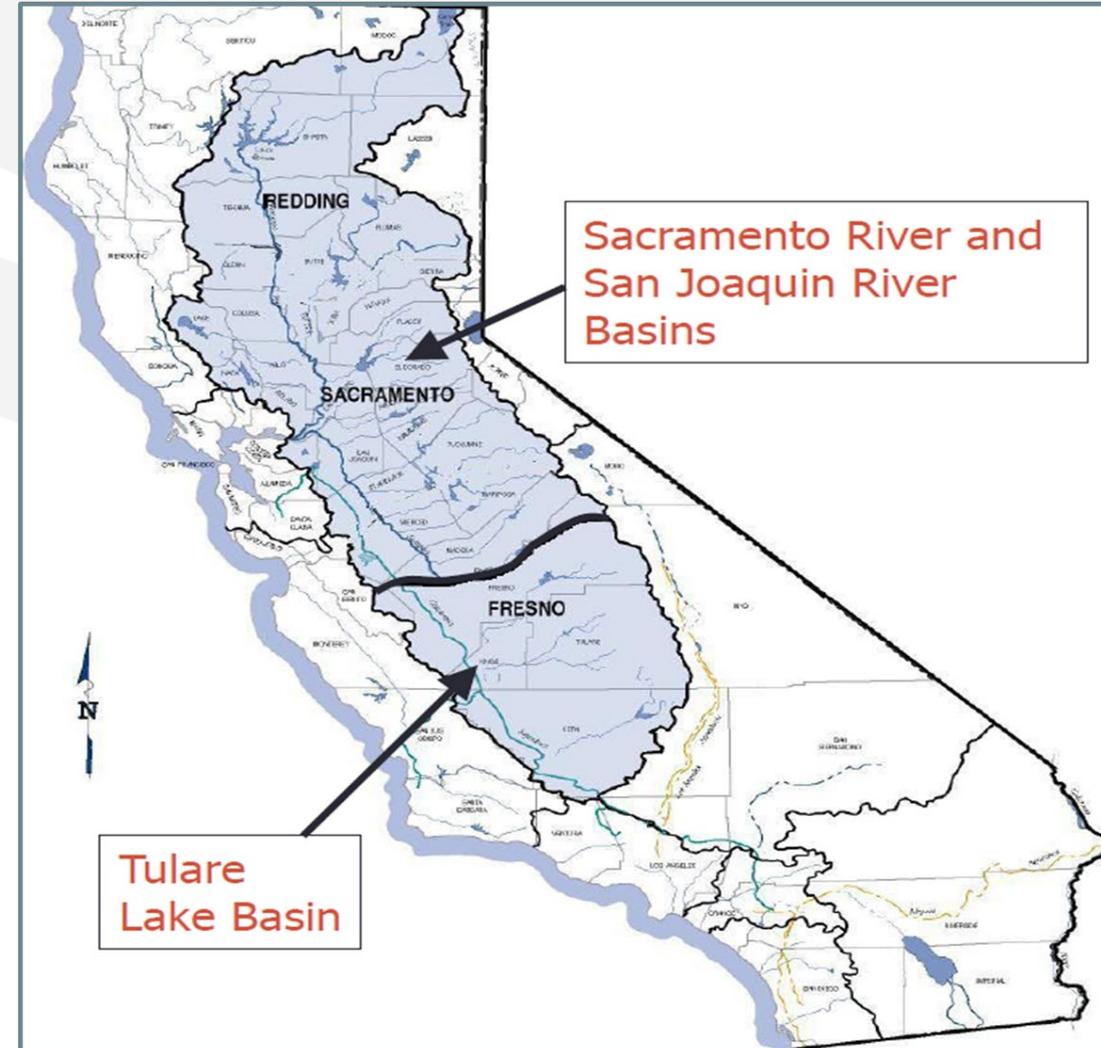
- Long-standing spiritual/cultural relationship with an aquatic species
- Body contact with or inadvertent ingestion of water
- Gathering of natural aquatic resources, and/or vegetation
- Consumption of fish, shellfish, and natural aquatic resources
- Seasonal or event-based exposure to waters

T-SUB Beneficial Use May Involve:

- Frequent or high-volume consumption of fish, shellfish, or other natural aquatic species or resources
- A wider variety of species than those protected under the commercial or recreational fishing (COMM) beneficial use
- Year-round or seasonal subsistence practices
- Consumption of multiple aquatic species from the same waterbody

Central Valley Water Board (CVWB)

- Two Basin Plans
 - Sacramento/San Joaquin Basin Plan
 - Tulare Lake Basin Plan
- Regulation of water quality



Tribal Beneficial Uses Basin Plan Amendment Primer

- TBU History
- Basin Plan
- The Basin Plan Amendment Process



REGIONAL WATER QUALITY CONTROL BOARD,
CENTRAL VALLEY REGION

**TRIBAL BENEFICIAL USES DESIGNATIONS: A
PRIMER TO THE BASIN PLAN AMENDMENT
PROCESS**

July 2022

Report Prepared By:

Gabrielle Gundry, CivicSpark Fellow

Lauren Smitherman, Senior Environmental Scientist, Supervisor

Meredith Howard, Section Head, Planning Section

Taranjot Sahota, Environmental Scientist



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Tribal Beneficial Uses Project: 2 Components

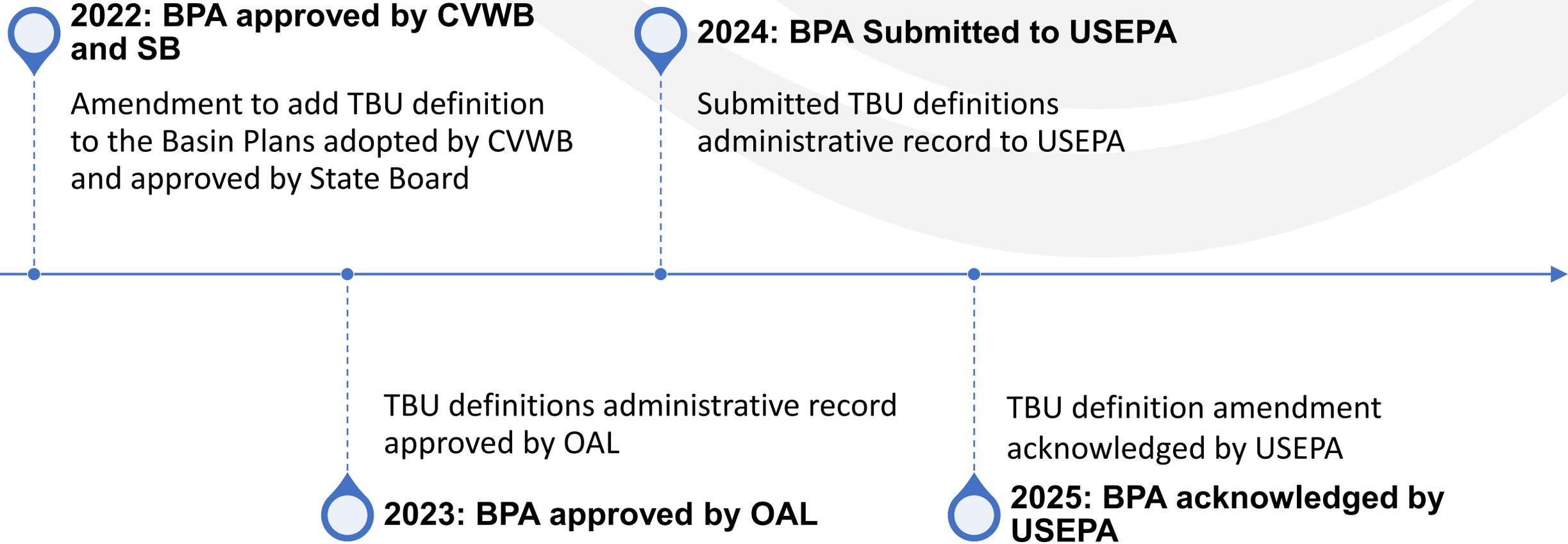
Add Definitions to Basin Plans

Basin plan amendment to add TBU definitions to CVWB Basin Plans



Designate Waterbodies

Basin plan amendments to designate TBUs as a beneficial use



2022: BPA approved by CVWB and SB

Amendment to add TBU definition to the Basin Plans adopted by CVWB and approved by State Board

2024: BPA Submitted to USEPA

Submitted TBU definitions administrative record to USEPA

2023: BPA approved by OAL

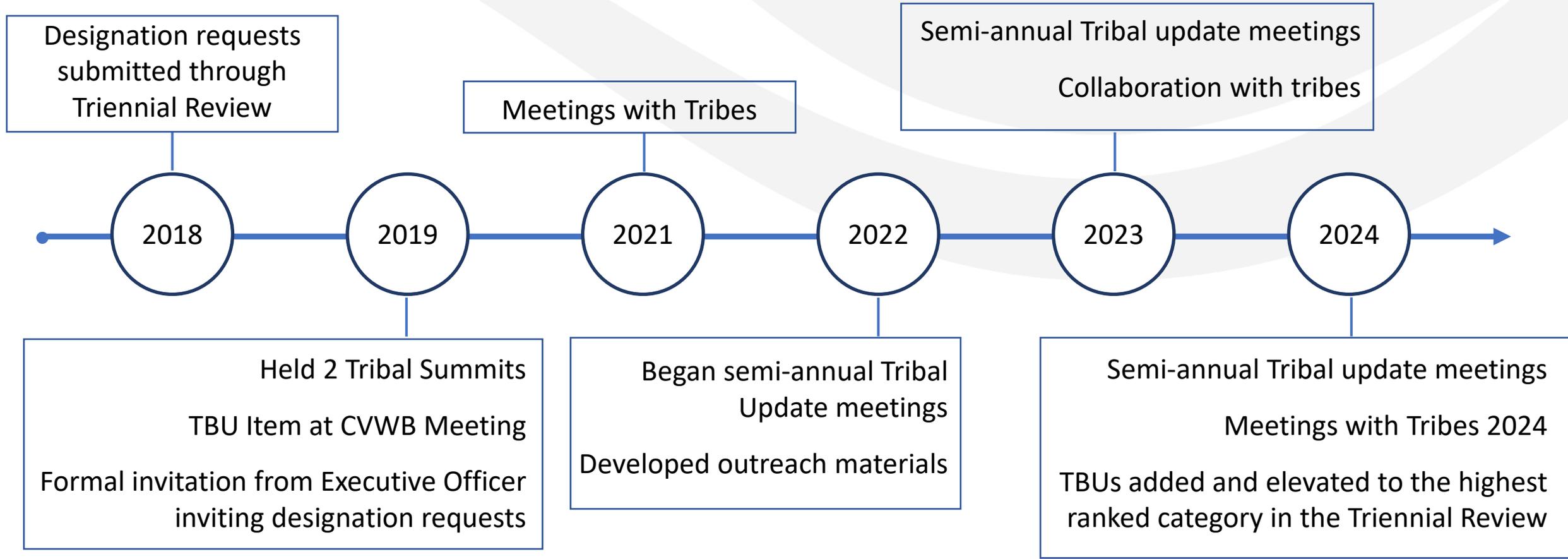
TBU definitions administrative record approved by OAL

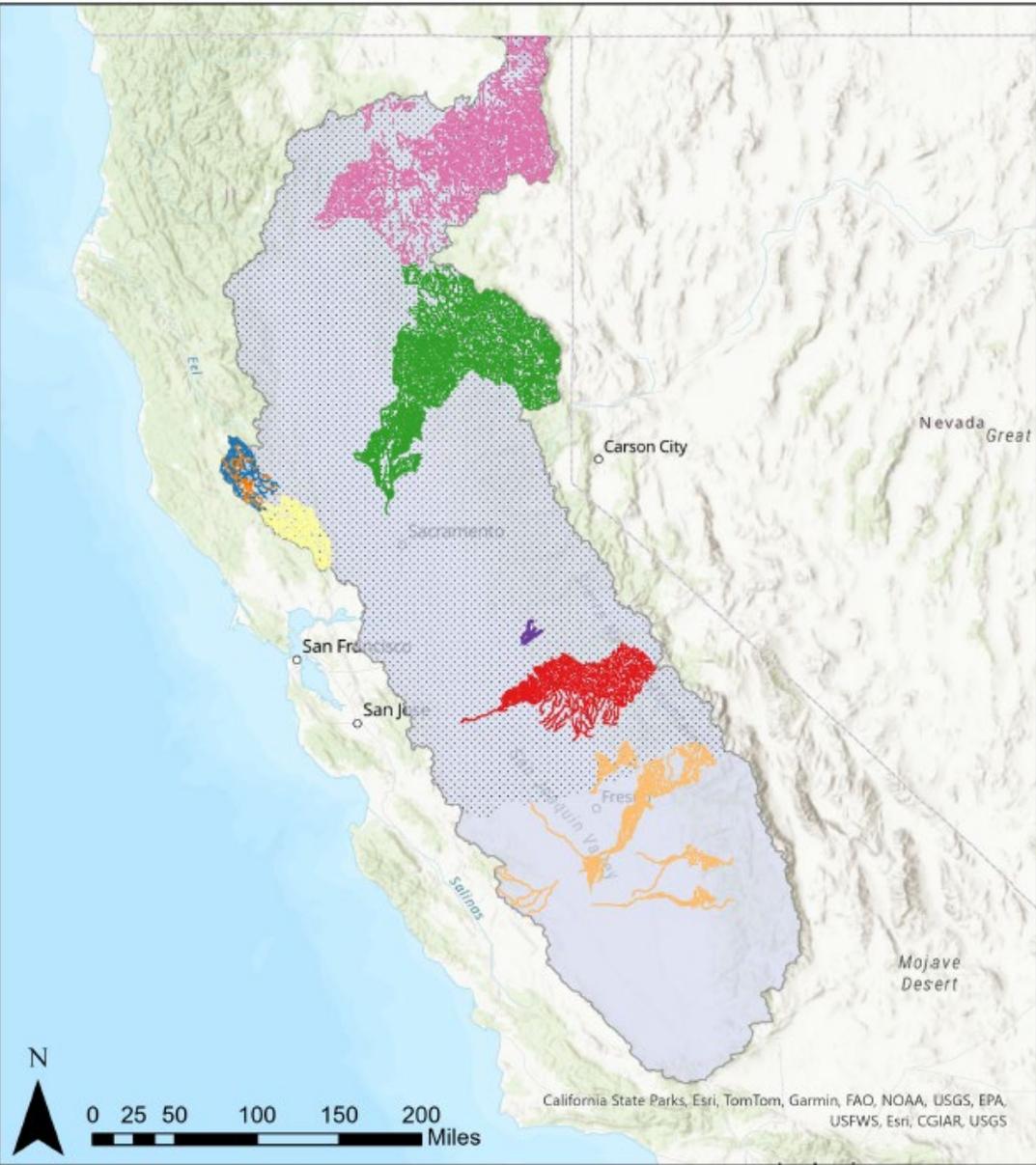
2025: BPA acknowledged by USEPA

TBU definition amendment acknowledged by USEPA

Tribal Beneficial Uses Designations

Tribal Beneficial Uses Designation





Requests Received

- 13 designation requests received
- 5 Tribes indicated intent to submit or interest in submitting request

- Big Valley Band of Pomo Indians
- Buena Vista Rancheria of Me-Wuk Indians
- Elem Indian Colony, Middletown Rancheria of Pomo Indians, & Robinson Rancheria
- Enterprise Rancheria Estom Yumeka Maidu Tribe & Mooretown Rancheria
- Middletown Rancheria of Pomo Indians
- Pit River Tribe
- Santa Rosa Rancheria Tachi-Yokut Tribe
- Southern Sierra Miwuk Nation
- Tuolumne Band of Me-Wuk Indians
- United Auburn Indian Community

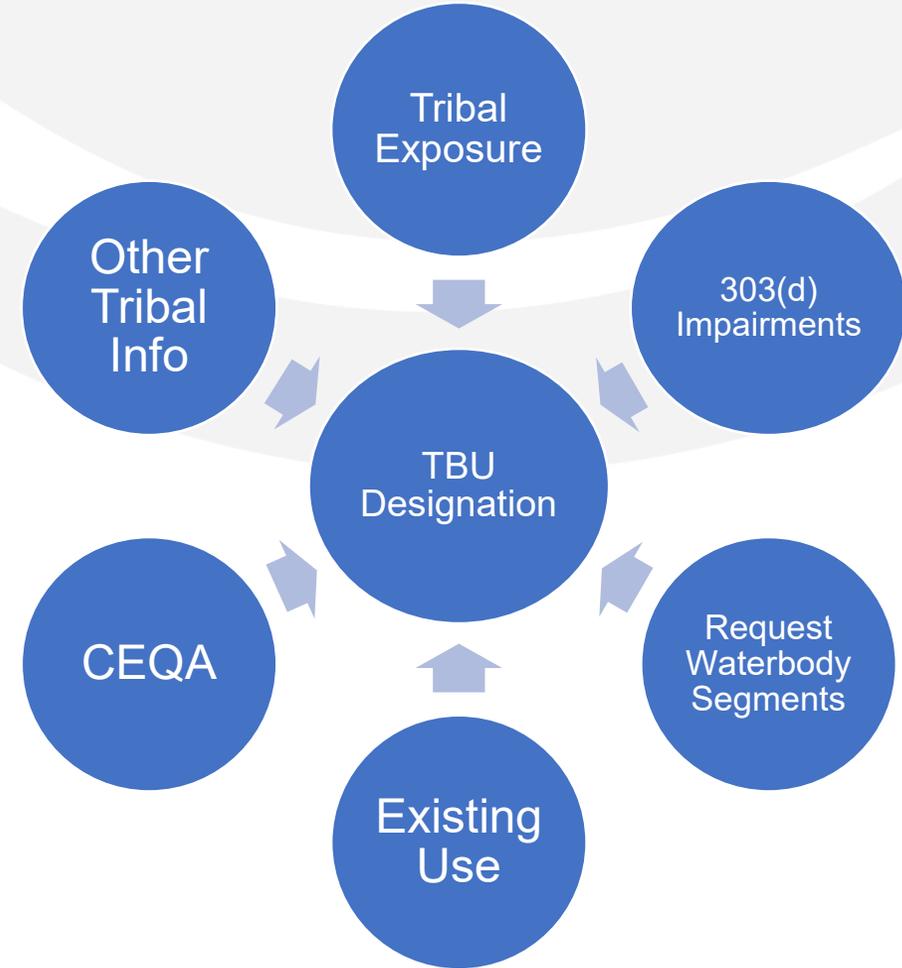
Confidentiality

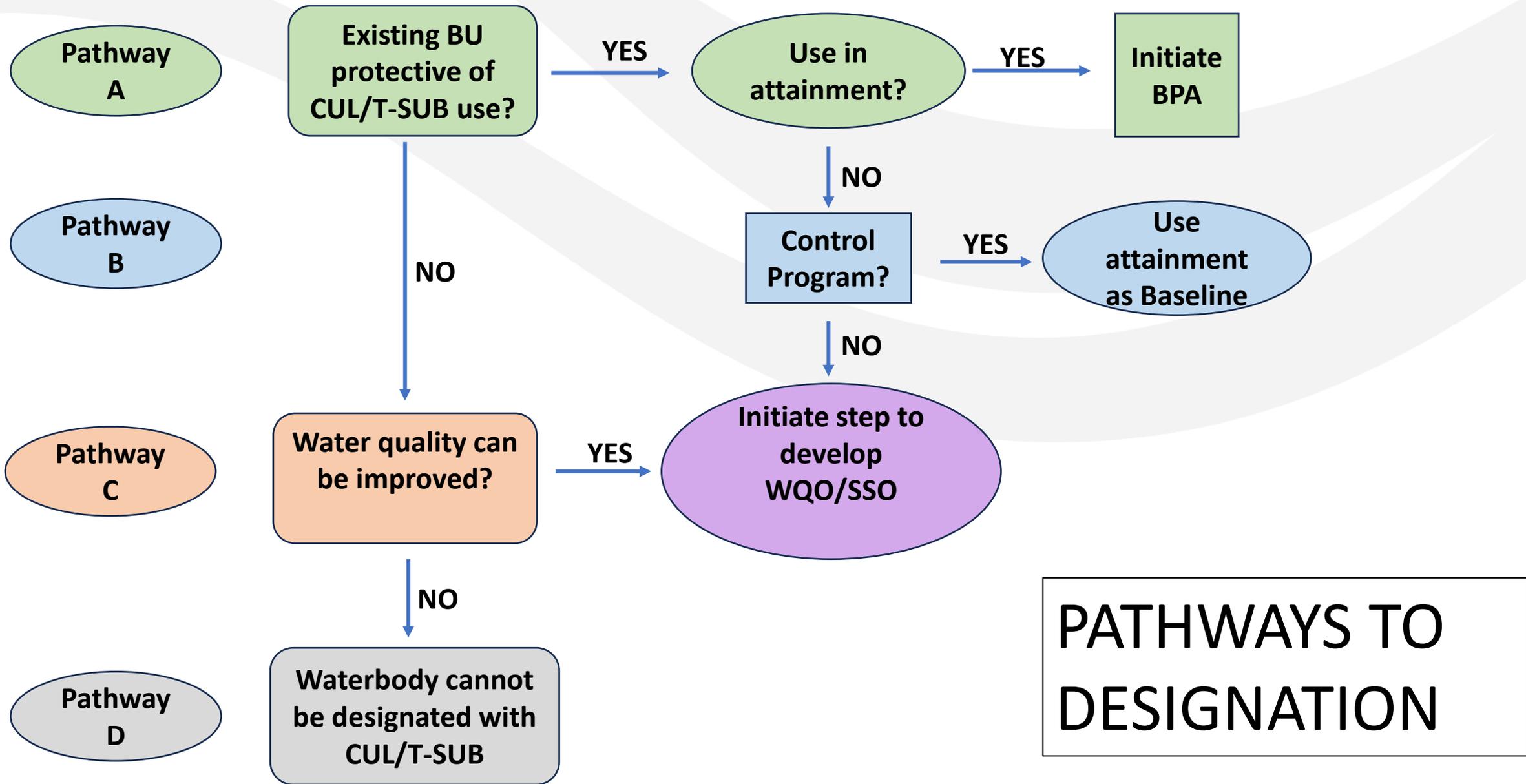
- All basin plan amendments and associated information becomes part of the public record.
- Exact locations and dates are not required; general stretches of rivers, lakes, or streams and seasonal timing are sufficient.
- *Please do NOT submit any confidential information*

Current Update and Next Steps

TBU Designation Updates

- Meetings to understand the legal requirements and information needed to designate TBUs
- Pathway to Designation
- Necessity of CEQA





Existing Beneficial Use

Activities protected under CUL	Existing Beneficial Uses
Navigation	REC-2
Ceremonies	REC-1 and/or REC-2
Fishing	REC-1
Gathering	REC-1 and/or REC-2
Consumption of aquatic resources	COMM, or SHELL

*No existing beneficial uses that are protective T-Sub beneficial use

When Designation May Not Be Appropriate

- Developing new, more stringent objectives may not be feasible due to existing pollution or contamination or other limitations.
- If water quality cannot be improved to support the beneficial use, designation may not be possible.
- High levels of contaminants may prevent safe fish consumption for Tribal Subsistence Fishing.

Proposed Basin Plan Amendment

Strategy

- Initiate BPA for waterbodies in Pathway A while working on other pathways concurrently
 - Focus on CUL designation
- Concurrently, gather as much information as resources for subsequent BPAs
- Group like waterbodies together instead of focusing on watersheds



Data Analysis to Identify Pathway

Step 1: Identify tribal exposure

Step 2: Identify segments of waterbodies requested for designation.

Step 3: Filter the 2024 303(d) for existing beneficial uses that are protective of CUL uses.

Step 4: Identify water quality impairment listing for existing beneficial uses.

Step 5: Identify waterbody segments that do not have any impaired listings for existing beneficial uses.

Proposed Basin Plan Amendment

- Sacramento River and San Joaquin River basins: 43 waterbody segments
- Tulare Lake Basin: 23 waterbody segments
- Includes new proposed waterbody segments
- Subject to change based on tribal input and feedback

Pit River Watershed

North Fork, South Fork, Pit River

Confluence of Forks to Hat Creek

Fall River

Hat Creek

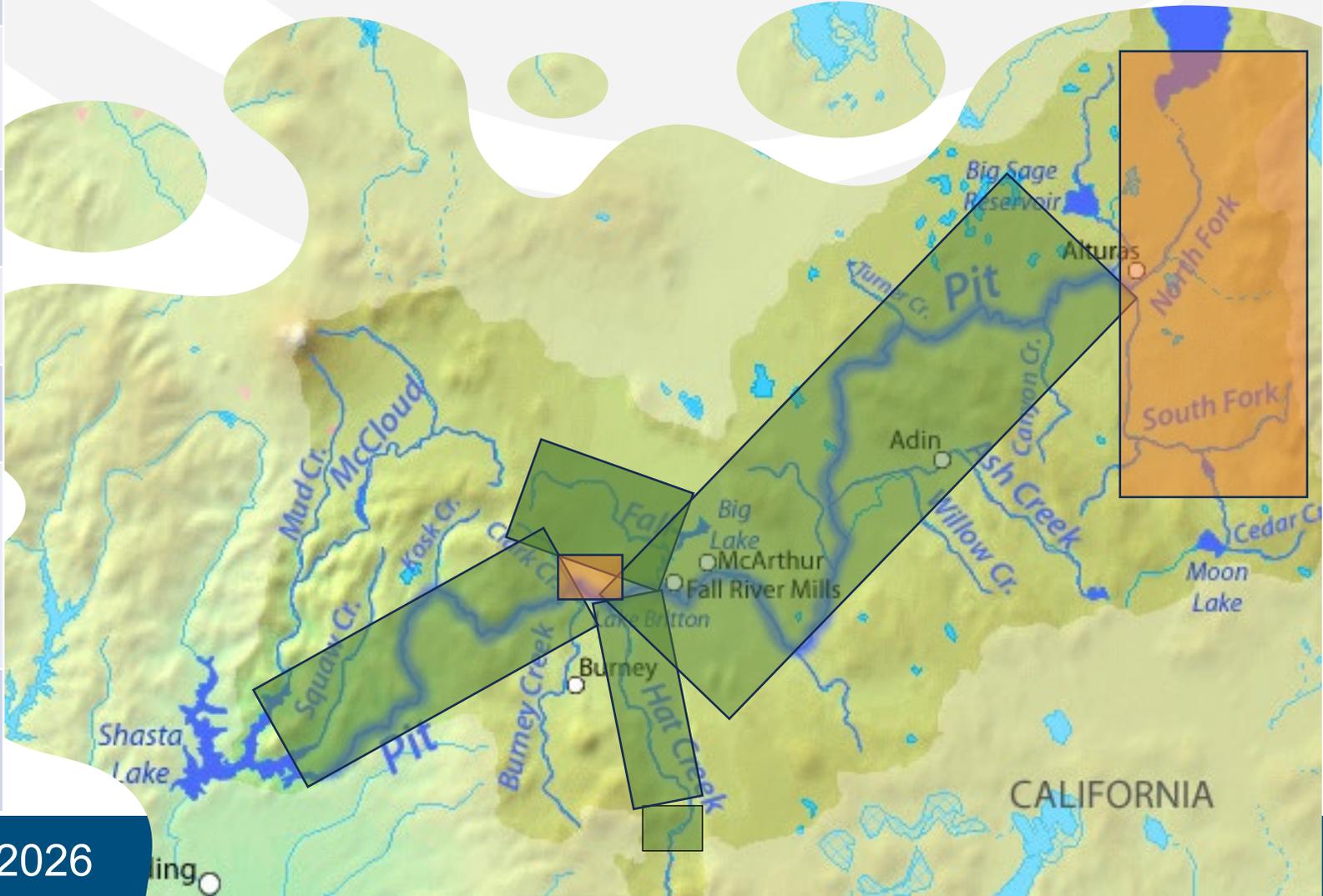
Baum Lake

Britton Lake – Other Lakes and Reservoirs in Sacramento River Basin 5A

Mouth of Hat Creek to Shasta Lake

Impaired Segment

Non-Impaired Segment

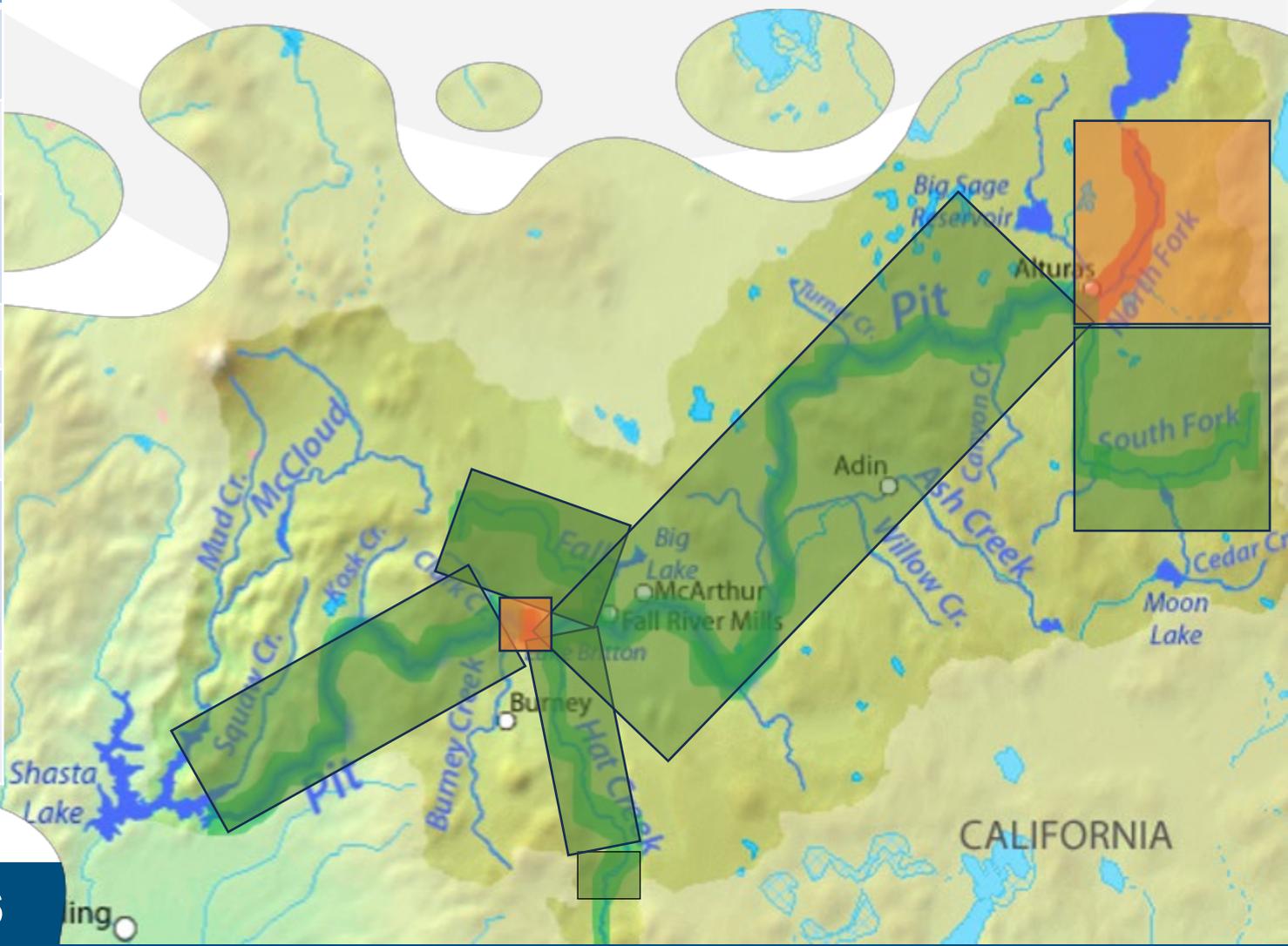


Waterbody Segment Impairment Listings – Pit River

Impaired Segment

Non-Impaired Segment

Basin Plan Segment	303(d) Impairment Listing	Listed Impairment
*SOUTH FORK, PIT RIVER	Pit River, South Fork	
*NORTH FORK, PIT RIVER	Pit River, North Fork	pH (REC -1)
PIT RIVER (Confluence of Forks to Hat Creek)		
FALL RIVER		
HAT CREEK		
BAUM LAKE		
OTHER LAKES AND RESERVOIRS IN SACRAMENTO R. BASIN 5A	Britton Lake	Mercury (WILD)
PIT RIVER (Mouth of Hat Creek to Shasta Lake)		



*Proposed new BP waterbody segments

Collaboration with Tribes

- Meet with tribe(s) to address TBU related questions and obtain additional information
 - What specific segments of waterbodies is the CUL activity performed in?
 - Are existing beneficial use protective of CUL use?
 - If not, what are the route of exposure, duration, and frequency of CUL activity performed by the tribe?
- Collaboratively develop approach to designate waterbodies
 - Determine which waterbodies to group together into several amendments to the basin plans



Information Requested for TBU Designation

- What activity is taking place (Swimming, fishing, etc.)
- Duration, and frequency
- Exposure routes and/or consumption rates
- If the activity has happened since 1968, or will happen in future
- Identify the specific activity for each waterbody segment (at the level described in basin plan)

Next Steps

- Develop sample letter
- Continue reviewing designation requests
- Meet with tribes planning to submit requests
- Collect and compile supporting information for designation
- Advocate for funding to support TBU designations and water quality monitoring



Upcoming Meetings and Deadlines

- Host CEQA Scoping Meeting (April/May 2026)
- Host Tribal Update Meeting (Fall 2026)
- **Tribes submit supporting information for designations (December 2026)**
- Develop Staff Report (May 2027)



Project Contacts

Project Email: RB5S-TBU@waterboards.ca.gov

TBU Project Website and Email List:

www.waterboards.ca.gov/centralvalley/water_issues/basic_plans/tribal_beneficial_uses/