

Board Workshop on the Draft Guidance on Designating Tribal Beneficial Uses

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July 22, 2026



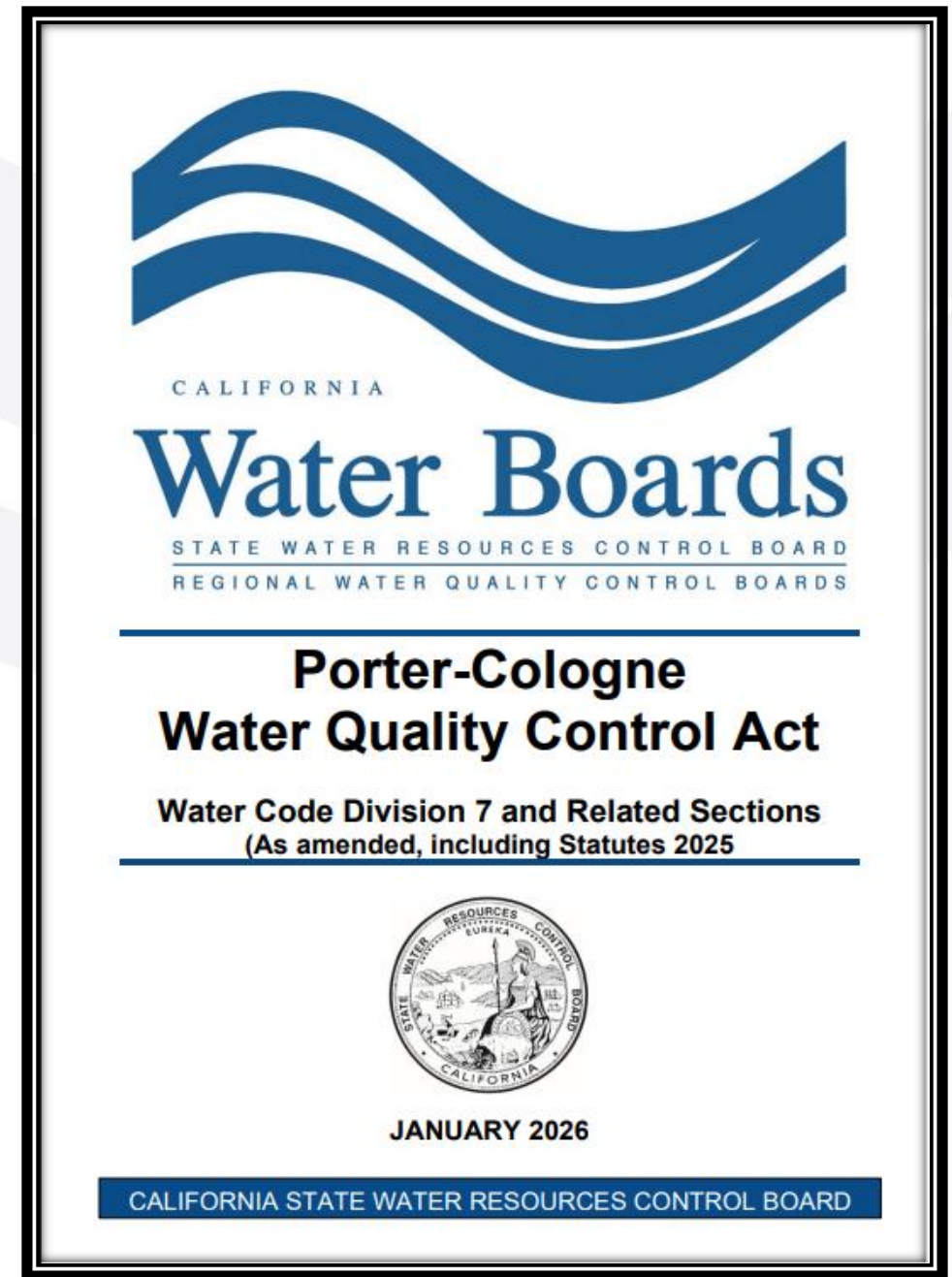
Purpose of Today's Workshop



Water Boards Mission

Preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.

Authority to establish Tribal Beneficial Uses



Tribal Uses of Water Since Time Immemorial



Tribal Advocacy Led to New Beneficial Uses

Tribes identified gaps in beneficial use protections

8 Tribes submitted resolutions proposing language

Resolution 2017-0027 adopted Part 2 of the ISWEBE Plan

2014-2017

2016

Years of Advocacy

2015

2017

Tribes initiated consultation and TBU Ad Hoc Group

Resolution 2016-0011 directed development of Tribal Beneficial Uses

Tribal Beneficial Uses

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.

Draft Guidance on Designating Tribal Beneficial Uses

Purpose: To provide clear guidance on the TBU designation process to support statewide consistency, strengthen partnerships with Tribes, and help regions and Tribal governments advance TBU designations collaboratively.

Document covers:

- History and development of Tribal Beneficial Uses,
- How water quality protections apply to CUL and T-SUB,
- The steps for Tribal designation requests,
- What information is needed for designations,
- How water quality objectives are evaluated and enforced,
- Ways Tribes and supporters can get involved in the process.

Draft Guidance Shaped by Tribal Feedback

For more than a year, Water Boards staff met with the Tribal Strategic Caucus to discuss and refine the draft Guidance. While not all feedback was incorporated, Tribal input led to meaningful changes.

Example: The draft Guidance was revised to clarify that 4.5 fish meals per week is not the required consumption rate for T-SUB. Instead, the draft Guidance clarifies that T-SUB rate should consider higher health risks associated with the type of species consumed, parts eaten, preparation methods, cumulative species consumed, and seasonal consumption.

Today's Goals



Present an overview of the draft Guidance on Designating Tribal Beneficial Uses



Highlight TBU designation progress taking place across the state



Obtain feedback on the draft Guidance on Designating Tribal Beneficial Uses

Workshop Overview

Historical Grounding on TBU Definitions

Presentation on Draft Guidance on Designating Tribal Beneficial Uses

TBU Progress Across the State

- Updates from North Coast Region
- Updates from Central Valley Region & Tribal Partners
- Updates from Lahontan Region & Tribal Partners
- Updates from State Water Board Bay-Delta Plan

Feedback to the Board on the Draft Guidance

- Recommendations from the TBU Strategic Caucus
- Comments from Tribal elected officials
- Public Comment



History of Development of Tribal Beneficial Uses

July 22, 2026



Porter Cologne & Beneficial Uses

California Water Code, Division 74 (1969)

- * Predates the federal Clean Water Act - amended several times to align with federal requirements and address emerging water quality issues
- * Goal: Protect CA surface and groundwater resources and maintain beneficial uses that occurred any time **since 1968**

Anti-degradation Policy applies even if water body is not listed for use protections.

Why develop Tribal Beneficial Uses?

- * Seeking Transparency in setting WQO.
- * REC1 and COMM were inherently different than Tribal Uses



Legacy of Success: TBU in the North Coast

- 2000 Tribes in North Coast & Regional Board define and adopt Beneficial Uses into NC Basin Plan - protects Native American culture and subsistence fishing. (Karuk Tribe, Yurok Tribe, Hoopa Valley Tribe, and Wiyot Tolowa Dee-ni' Nation).
- 2003, State Water Board approved NC Water Board definitions. Predate ISWBE TBU statewide definitions adopted by State Water Board in 2017, statewide definitions do not supersede North Coast Basin Plan definition.
- NC Water Board designated CUL use in 28 waterbodies. The 2010 Klamath River TMDL Action Plan relied on North Coast CUL definition and designations for protection of water quality – staff cited the tribal uses as the basis to establish water quality targets Tribal ceremonies, Tribal fisheries, aquatic plants and other ancestral practices.
- Designations for TBUs also made in broad categories outside named water bodies: minor coastal streams, bays, estuaries, freshwater and saline wetlands, and groundwater.



ISWBE TBU Provisions History

- 2013, Tribes and Tribal organization letters to the State Water Board request definitions to be adopted. SWRB staff and Board agreed such definitions protecting first uses in the state should be adopted into Basin Plans and should be designated for Water Boards to consider when setting WQOs.
- SWB mandate from Federal EPA to establish water quality objectives or locations without Mercury TMDLs and a deadline set.
- 4 year Statewide Definitions Tribal Review Process (Clearlake and Mendocino Tribes, facilitation by CIEA and joined by SWB).
Noted Regional Board variations in interpretations and application of definitions either wide or narrow = revision of NC definition with examples of Cultural Uses explicitly with “but is not limited to” language.
- SWB staff recommended that TSUB/CUL be developed separate to allow for multiple water quality objectives (one can be more or less stringent to support designations where more strict of those uses may not be achievable)



TRIBAL CULTURAL USES

North Coast Region 1 adopted 2003

- **Native American Culture (CUL)** - Uses of water that support the cultural and/or traditional rights of indigenous people such as subsistence fishing and shellfish gathering, basket weaving and jewelry material collection, navigation to traditional ceremonial locations and ceremonial uses.

State Water Board adopted 2017

- **Tribal Culture Use (CUL)** - Uses of water that support the cultural uses and traditional rights of California Indian Tribes. This includes but is not limited to fishing, gathering and safe consumption of traditional foods and materials, in traditional quantities as defined by California Indian Tribes, for subsistence, cultural, ceremonial, and navigation activities associated with such uses.



TRIBAL SUBSISTENCE FISH

North Coast Region 1 adopted 2003

- **Native American Culture (CUL)** - Uses of water that support the cultural and/or traditional rights of indigenous people such as subsistence fishing and shellfish gathering, basket weaving and jewelry material collection, navigation to traditional ceremonial locations and ceremonial uses.

State Water Board adopted 2017

- **Tribal Subsistence Fishing (T-SUB)** – Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, to meet the traditional foods needs of individuals, households, and communities for personal, family and community consumption and/or for traditional/ceremonial purposes.



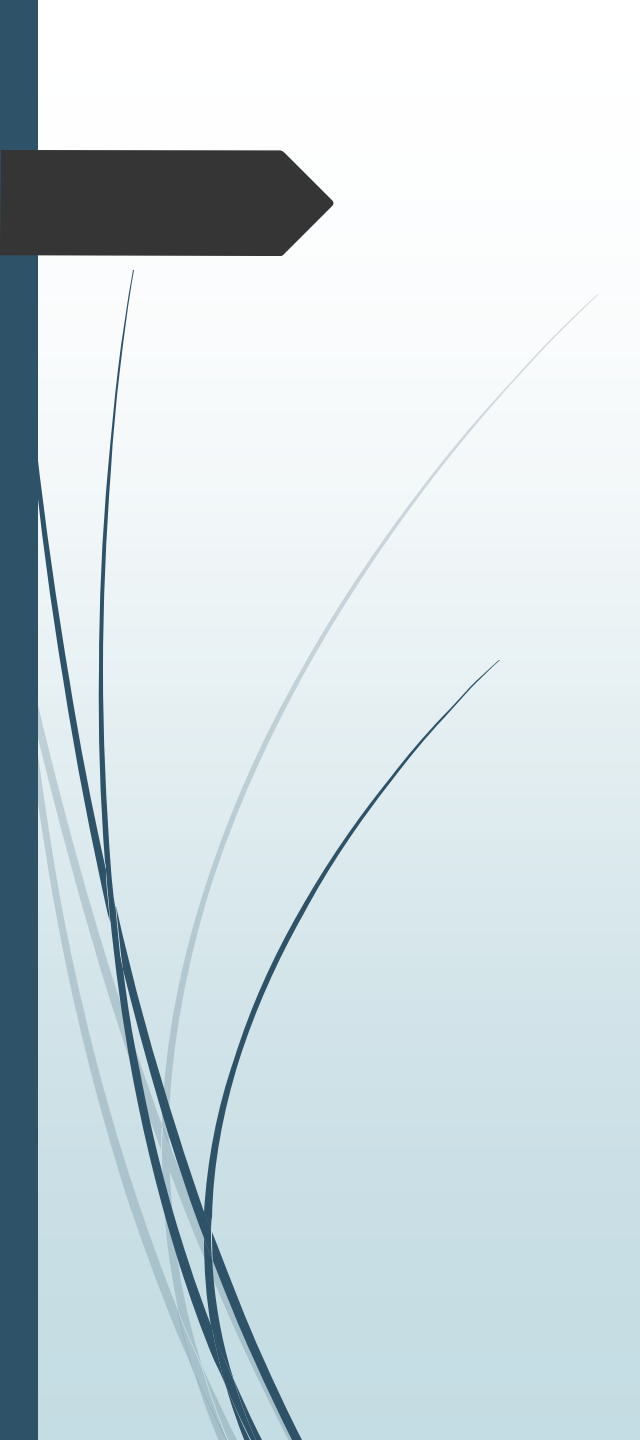
Central Valley TBU Request History

- 2009, Tribes asked the CV Water Board to include the NC Region1 FISH and CUL definitions in the Mercury TMDL. Goal: Address the differing exposure scenarios that COMM and REC1 did not adequately protect.
- 2011 the CV WB rejected the request stating that the NC definitions had no numerical values attached and therefore the Regional Board would not be applying them.
- 2013, Tribes and Tribal organization sent a letter to the State Water Board requesting support for these definitions to be adopted. Some SWRB staff agreed that such definitions protecting the first used in the state should be usable definitions by adopting them into Basin Plans and should be designated for Water Boards to consider when setting WQOs.



2023 Tribal Strategic Planning Caucus

- All Tribes from CA invited , *adhoc*
- Seeking consistency between regions
- Supporting Regional Boards to confirm none are moving away from the intention of TBUs
- Caucus compares notes on TBUS Processes, Tribes traditional territories overlap multiple regions
- While regional autonomy is valued, Caucus members and Regional Board staff have expressed the need for Guidance by the Regional Board on TBU processes and programs.
- Caucus worked with Water Board staff to support Guideline Development. Not all of our recommendations are in that document to date.



Thank you!

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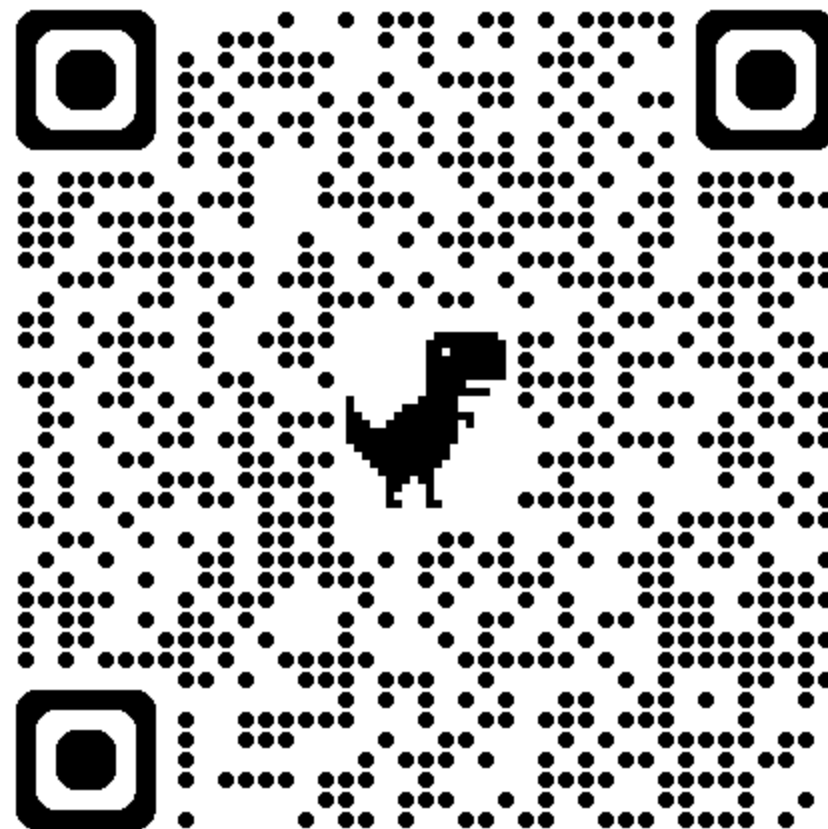
Draft Guidance on Designating Tribal Beneficial Uses





DRAFT GUIDANCE ON DESIGNATING

TRIBAL BENEFICIAL USES



bit.ly/draftTBUguidance

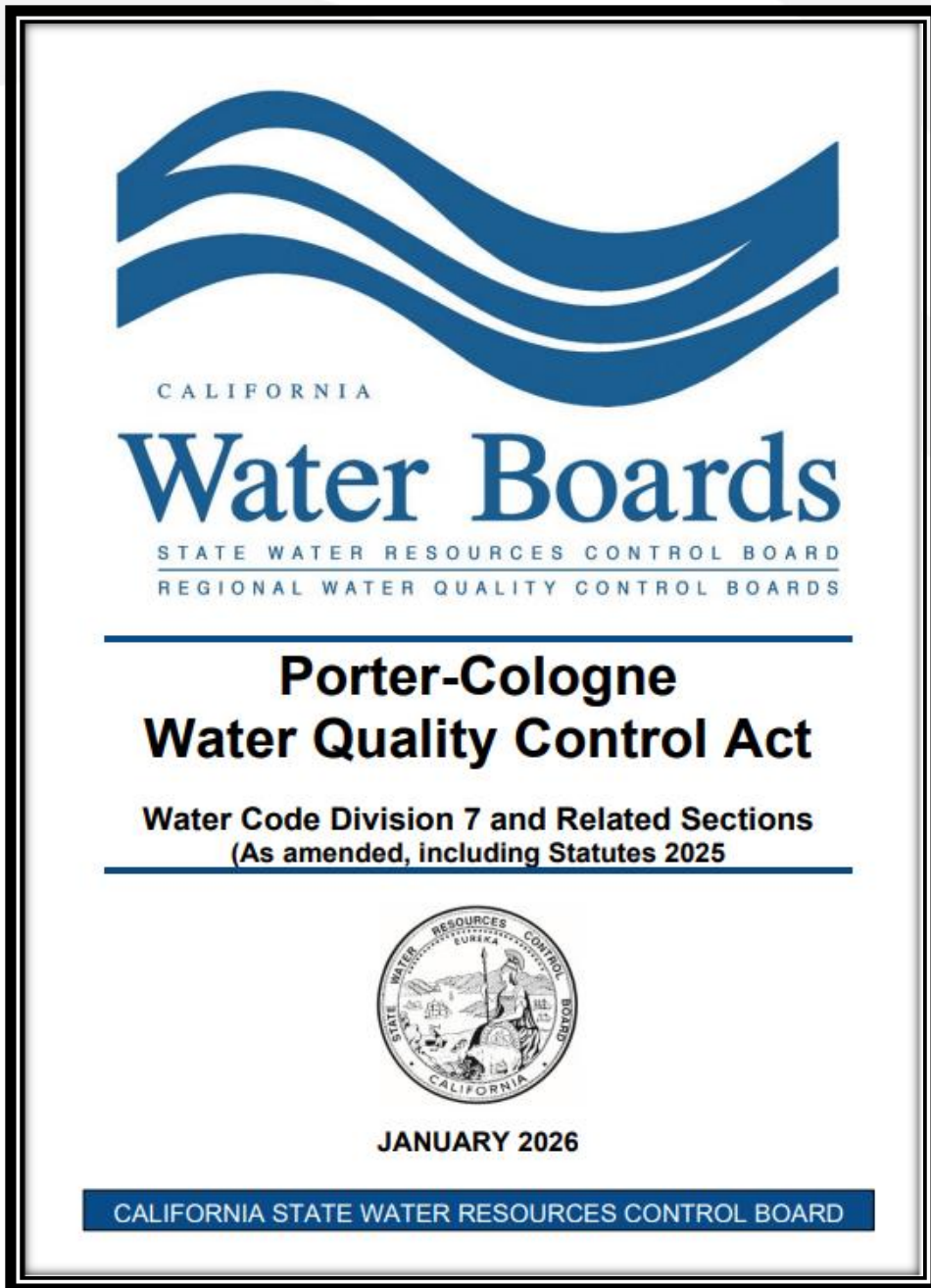


Understanding Tribal Beneficial Uses



Water Boards Mission

Preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.



Authority to establish Tribal Beneficial Uses

Tribal Beneficial Uses were defined in the final 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.

Guidance: pages 12-15 | The Water Boards's Role in Protecting Water Quality

What are Beneficial Uses?

Under Porter-Cologne, beneficial uses describe the ways waters of the state are used or may be used.

Beneficial use designations are important because they help determine what level of water quality protection is needed.



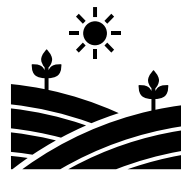
Drinking
Water



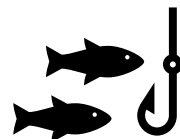
Recreation



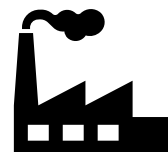
Aquatic
Habitat



Agriculture



Commercial
Fishing



Industrial
Supply

Guidance: pages 12-15 | The Water Boards's Role in Protecting Water Quality

Existing and Probable Future Uses

- An **existing beneficial use** means that a specific use is currently happening in a waterbody, or that it has happened there at any time since 1968.
- A **probable (or potential) future beneficial use** means that a specific use is not currently happening in the waterbody, and hasn't occurred there since 1968, but is expected to take place in the future—such as through cultural revitalization efforts or planned restoration.

What's in a Water Quality Control Plan (aka Basin Plan)?

Topic	Purpose
General Information	Key environmental and watershed characteristics
Water Quality Standards	Clean Water Act term that includes both beneficial uses and water quality objectives
Beneficial Uses	Descriptions and definitions of how the waters of the state may be used (drinking, recreation, habitat, etc.)
Beneficial Use Designations	Identifies which beneficial uses apply to specific rivers, lakes, and streams
Water Quality Objectives	Limits of water quality constituents to protect the designated beneficial uses
Implementation Programs	Actions to improve or maintain water quality
Monitoring	Activities to track compliance with permits and water quality objectives

Guidance: pages 12-15 | The Water Boards's Role in Protecting Water Quality

Example Basin Plan Beneficial Use Table: Central Valley Regional Water Board

TABLE 2-1

SURFACE WATER BODIES AND BENEFICIAL USES

	SURFACE WATER BODIES	HYDRO UNIT NUMBER		AGRICUL -TURE		INDUSTRY			RECREATION		FRESH- WATER HABITAT (2)		MIGRA- TION		SPAW- NING				
			MUN	AGR		PR OC	IND	PO W	REC-1	REC- 2	WARM	COLD	MIGR	SPWN		WILD			NAV
			MUNICIPAL AND DOMESTIC SUPPLY	IRRIGATION	STOCK WATERING	PROCESS	SERVICE SUPPLY	POWER	CONTACT	CANOEING AND RAFTING (1)	OTHER NONCONTACT	WARM	COLD	WARM (3)	COLD (4)	WARM (3)	COLD (4)	WILDLIFE HABITAT	NAVIGATION
1	McCLOUD RIVER	505.	E					E	E	P	E		E				E	E	
2	GOOSE LAKE	527.2		E	E				E		E	E	E					E	
	PIT RIVER																		
3	NORTH FORK, SOUTH FORK, PIT RIVER	526.00	E	E	E				E	P	E	E	E			E	E	E	
4	CONFLUENCE OF FORKS TO HAT CREEK	526.35	E	E	E			E	E	E	E	E	E			E		E	
5	FALL RIVER	526.41	E	E	E			E	E	E	E	E	E					E	
6	HAT CREEK	526.30		E				E	E		E	E	E				E	E	

www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201902.pdf

How TBUs Can Affect Water Quality Decisions

- Water quality standards must protect basket-weaving plants and the people who handle them.
- Discharge permits may require stricter limits or additional treatment to protect gathering areas.
- New, more protective water quality objectives may be developed based on tribal exposure and cultural practices.
- Permits may be revised under NPDES/401 to protect TBUs.
- TMDLs may be developed for waters not meeting water quality standards.
- Monitoring and data collection may expand to track impacts on tribal lifeways.

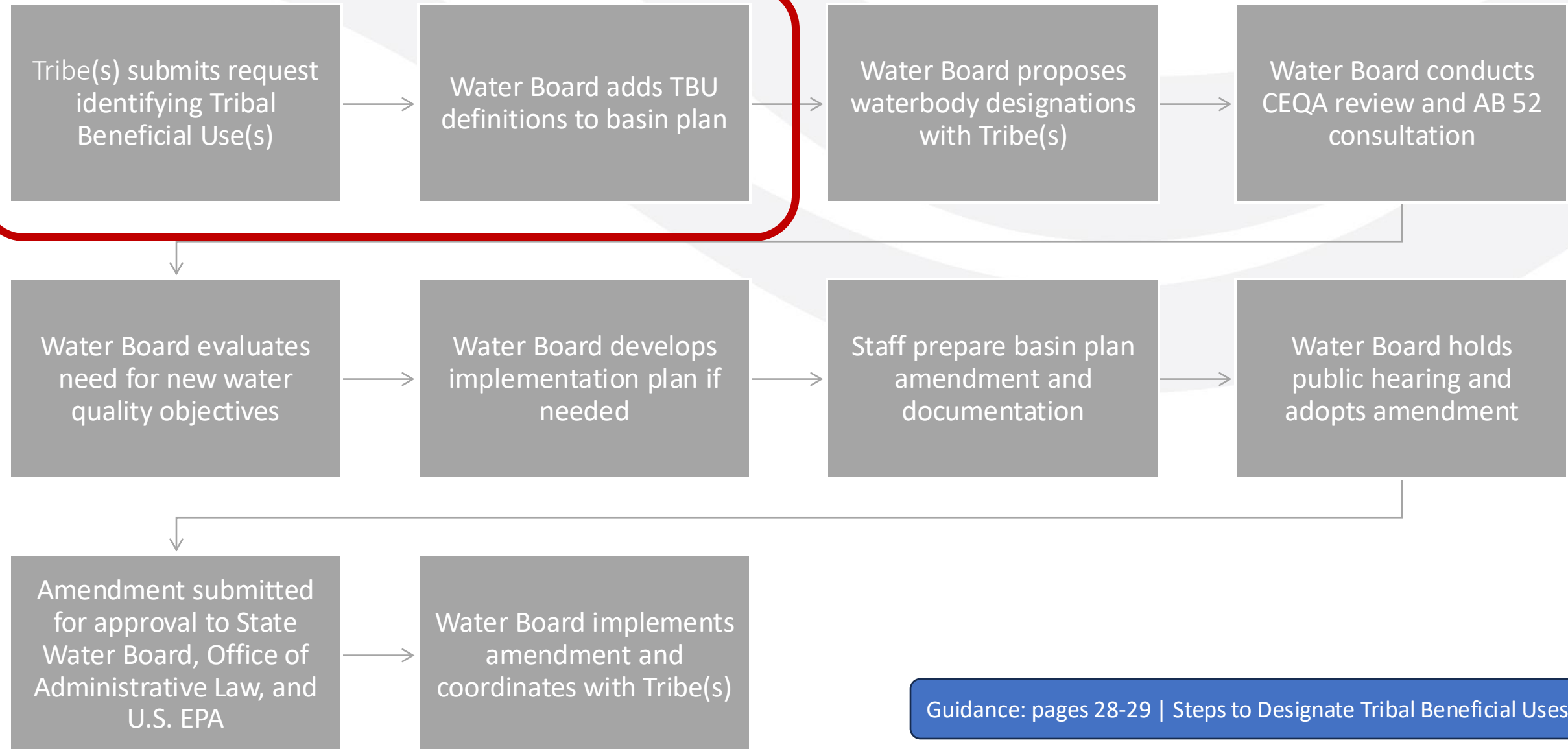


Dixie Rogers, Karuk basketweaver, demonstrating traditional basketweaving methods at California Native American Day.



10 Steps for TBU Designations

How TBU Designation Works



Guidance: pages 28-29 | Steps to Designate Tribal Beneficial Uses

Step 1: Tribe Submits Designation Request

A Tribe requests to consult with the Water Board to discuss a potential designation request. Then, a Tribe submits a written request.

The Water Boards cannot designate a Tribal Beneficial Use without the Tribe's consent and support.

Guidance: pages 30-38 | Step 1: Tribe Submits a Designation Request

Step 1: Tribe Submits Designation Request

The following is information that helps describe the use:

- Type of use (CUL and/or T-SUB)
- Specific types of activities (CUL only)
- Where the activity occurs (general segment or waterbody, not exact locations)
- Exposure pathways (ingestion, immersion, plant handling, etc.)
- Frequency, duration, and seasonality
- Whether the use is current or planned for the future
- Summary-level data on consumption or cultural practices

General information is sufficient. Exact locations and sensitive cultural details are not required.

Guidance: pages 30-38 | Step 1: Tribe Submits a Designation Request

Step 1: Tribe Submits Designation Request

Information can be provided in multiple formats and may include:

- Maps or illustrations showing general areas
- Oral histories, stories, or testimony
- Information about cultural revitalization
- Aggregate consumption surveys
- Traditional knowledge
- Ecological, water quality, fisheries, fish-tissue, or toxicology data

Information may be submitted through a signed Tribal request, supporting documents, public comments, oral testimony, or other agreed-upon methods.

Guidance: pages 30-38 | Step 1: Tribe Submits a Designation Request

Understanding Exposure Pathways

Exposure pathways describe how pollutants or harmful substances may enter the body.

Exposure pathways may include:

- Ingestion: eating fish, plants, or water
- Absorption: skin or eye contact
- Inhalation: breathing vapors, aerosols, or particles
- Cuts or abrasions: contact through broken skin

Understanding exposure pathways helps the Water Board evaluate potential health risks and the level of water quality protection needed.

Guidance: pages 30-38 | Step 1: Tribe Submits a Designation Request

Why this Information Matters

This information helps the Water Boards:

- Evaluate the level of protection needed
- Adjust the timing or terms of permits to prevent harm
- Identify where more data or monitoring is needed
- Decide whether new water quality objectives are necessary
- Determine if designation is feasible

Guidance: pages 30-38 | Step 1: Tribe Submits a Designation Request

Tribal Data Sovereignty and Limits on Confidentiality

- Water quality control plan amendments are adopted through a public rulemaking process.
- The Water Boards respect Tribal data sovereignty and seek only the minimum information needed to support designations and water quality objectives.
- Exact locations, ceremony dates, and other sensitive cultural details are generally not required.
- **Discuss before sharing information:** what information is needed; whether generalized information is sufficient; and what information should become part of the public record.

Step 2: Add Definitions to the Plan

The State Water Board's 2017 establishment of the TBU definitions did not automatically add them to every statewide or regional plan.

A Water Board may add the definitions through a formal plan amendment:

- Before proposing TBU waterbody designations, or
- In the same plan amendment as the proposed TBU designations

Guidance: page 39 | Step 2: Add the TBU Definitions to the Water Quality Control Plan / Basin Plans

Step 3: Propose Waterbody Designations

Designation involves assigning a TBU to a specific waterbody through a basin plan or water quality control plan amendment.

After a Tribe submits a designation request, Water Board staff continue consulting with the Tribe to develop proposed plan amendment language that identifies:

- The waterbody or waterbody segments
- Whether CUL, T-SUB, or both would apply
- Whether the use currently exists or is likely to occur in the future

The plan amendment is based on information provided by the Tribe and developed through continued consultation.

Guidance: page 39 | Step 3: Propose Waterbody Designations

Some CUL Uses May Support a Watershed-Wide Designation

Many Tribal relationships with certain aquatic species are holistic and watershed-wide.

A watershed-wide CUL designation may be appropriate when:

- The spiritual connection relates to a species throughout its lifecycle or range
- The species occurs or migrates throughout the watershed
- The spiritual connection is not limited to one location

Guidance: pages 30-38 | Step 1: Tribe Submits a Designation Request

Step 4: Conduct CEQA and Tribal Consultations

The Water Board evaluates the proposed plan amendment under the California Environmental Quality Act.

The process includes:

- Determining the required level of environmental review
- Notifying Tribes and offering AB 52 consultation
- Preparing environmental review documents
- Providing public review and comment
- Considering comments before the Board's decision to approve

Note: Tribal consultation begins when a Tribe submits a designation request. Tribal consultations under AB 52 notify all other Tribes in the area of the proposed plan amendment.

Guidance: pages 40-42 | Step 4: Conduct CEQA Analysis and Tribal Consultation

Why Does the California Environmental Quality Act Apply?

CEQA requires the Water Boards to evaluate whether a plan amendment may cause environmental impacts

- Use of an initial study checklist
- Determine what level of environmental review is required

The Water Boards must identify and evaluate reasonably foreseeable impacts of a proposed plan amendment.

EXAMPLE: To reduce harmful algal blooms, a discharger may need to expand a wastewater treatment plant to install new nitrogen-reduction facilities. That expansion could affect nearby wetlands, so the CEQA analysis would evaluate: potential environmental effects; feasible alternatives; and mitigation measures.

Step 5: Evaluate Water Quality Objectives

- High-level evaluation of whether applicable water quality objectives are sufficient to reasonably protect the proposed TBU.
- The appropriate level of protection depends on the use, exposure pathways, frequency, duration, season, and waterbody conditions.
- The Water Board may determine that:
 - Existing objectives are sufficient
 - More information is needed
 - New or revised objectives should be developed
- Water quality objectives may be numerical or narrative.
 - Numeric objectives are more efficient to implement

Step 6: Develop Implementation Plan

If new water quality objectives are proposed, the Water Board determines how they will be achieved.

An implementation plan may identify:

- Actions that must be taken
- Responsible parties
- Timelines
- Monitoring and reporting
- Permits, orders, or other regulatory tools

Guidance: pages 46-47 | Step 6: Develop Implementation Plan

Step 7: Prepare Staff Report & CEQA Analysis

Water Board staff prepare and publicly circulate documents supporting the proposed plan amendment.

The documents explain:

- The proposed TBU definitions and designations
- Any proposed water quality objectives
- Reasonably foreseeable ways to comply
- Potential environmental effects
- Alternatives and feasible mitigation measures

The Water Board provides a public comment period and responds to comments.

Guidance: page 47 | Step 7: Prepare Staff Report

Step 8: Board Considers Adoption

After public review, the Water Board holds one or more public meetings to consider whether to adopt the plan amendment.

The plan amendment may include:

- TBU definitions
- Waterbody designations
- New or revised water quality objectives
- Implementation measures

Tribes and members of the public may provide written comments and oral testimony.

Guidance: page 47 | Step 8: Adoption of the Water Quality Control Plan / Basin Plan Amendment

Step 9: Obtain Final Approvals

After the plan amendment is adopted, other approvals are necessary before it becomes effective, including:

- State Water Board (if adopted by a Regional Board)
- Office of Administrative Law
- U.S. Environmental Protection Agency

Step 10: Implement Designations

The Water Board applies the TBU designations and objectives through its regulatory authorities. This may include:

- Updating permits
- Requiring pollution controls
- Monitoring compliance
- Developing cleanup or restoration actions
- Continuing collaboration with Tribes

Designation is not the end of the process. Protection requires continued monitoring, assessment, and Tribal engagement.

Guidance: page 48 | Implement Designations

Tribal Beneficial Uses Must be Protected Regardless of Designation Status

The Water Boards can protect an undesignated TBU on a case-by-case basis when sufficient information shows that:

- The use has occurred since 1968
- A proposed discharge or Water Board action may adversely affect the use

Protection may occur through permits, waste discharge requirements, or other regulatory actions.

Without formal designation, the Tribe may need to provide information about the use in each proceeding where protection is needed.

When a TBU Designation May Not Be Possible

- Uses are designated when they can be realistically supported and protected
- Impaired waterbodies (303(d) listings) do not prevent TBU designations
- Water Boards may decline designation if water quality or physical conditions make the use unattainable
 - Examples: major hydrologic modifications; severe contamination
- Designation may occur later if conditions improve
- Basin plans may include non-regulatory language acknowledging Tribal priorities or historical use

Guidance: pages 43-45 | Step 5: Evaluate Water Quality Objectives



Water Rights and Health of Ecosystems

Two Different Meanings for “Beneficial Uses”

Water Rights Framework

A water right is legal permission to use a reasonable amount of water: it determines *who* may use water, *how much*, and for *what purpose*

Water Quality Framework

Protects the *water quality conditions* of a waterbody to support beneficial uses *in and on waterbodies*

Guidance: pages 26-28 | Water Rights and Instream Flows

Do Tribal Beneficial Uses Create Water Rights?

No. Tribal Beneficial Uses are established under California's water quality framework. Tribal Beneficial Uses:

- Do not create a water right
- Do not grant legal permission to use or divert water
- Do not guarantee a specific amount of water

However, Tribal Beneficial Uses can *influence* certain water rights decisions because many TBUs depend on clean water remaining in rivers, lakes, and streams.

Guidance: pages 26-28 | Water Rights and Instream Flows

Connection Between Water Quality and Water Rights

- Water quality control plans include a program of implementation, which may specify actions to be taken under the State Water Board's water right authority.
- In determining water available for appropriation, the State Water Board considers water needed to protect instream beneficial uses.
- The State Water Board may condition water rights to require bypass or release of instream flows or changes in water project operations as necessary to meet water quality objectives for conditions such as temperature or salinity intrusion.

Guidance: pages 26-28 | Water Rights and Instream Flows

Many TBUs Depend on Water Remaining Instream

Many TBUs are instream uses, meaning they depend on water remaining in rivers, lakes, and streams rather than being diverted or stored.

Instream flow conditions may support:

- Ceremonies and immersion
- Navigation and access to important places
- Fishing and gathering
- Aquatic species and resources used for cultural or subsistence purposes

Guidance: pages 26-28 | Water Rights and Instream Flows

Relationship to Fish and Ecosystems

TBU Health Focus	Species & Ecosystem Protection
• T-SUB and consumption-related activities under CUL address health risks from consuming or harvesting aquatic resources • Not intended to protect fish populations or habitats directly	• Other beneficial uses protect fish and habitats • These uses include COLD, WARM, SPWN, AQUA, EST, and SHELL

Interconnected Benefits: Healthy fish populations and ecosystems support Tribal cultural and subsistence uses, while TBUs reinforce the importance of protecting those species and habitats.

Guidance: page 26 | Relationship to Fish and Ecosystem Protections

When Could TBUs Be Considered in Water Rights Decisions?

The State Water Board may consider TBUs when reviewing:

- A new water-right application
- A petition to change an existing water right
- A water-transfer petition
- Decisions involving public trust or reasonable use

TBUs are considered alongside other beneficial uses and applicable legal requirements.

Guidance: pages 26-28 | Water Rights and Instream Flows

How Could TBUs Affect a Water-Rights Decision?

When a proposed action may affect instream conditions, consideration of TBUs may influence:

- Allowable diversions
- Bypass or instream-flow requirements
- Conditions placed on a water right

TBUs do not create a separate water-rights process or automatically change an existing water right. They are considered through existing water-rights laws, authorities, and proceedings, including reasonable use and public trust.

Guidance: pages 26-28 | Water Rights and Instream Flows



How to Get Involved

How Tribes Can Get Involved

Tribes can engage at any stage of the TBU process by:

- Meeting with Water Boards Tribal Coordinators and staff
- Discussing TBUs with Tribal community members, cultural practitioners, and Elders
- Participating in Tribal working groups, summits, workshops, and consultations
- Submitting letters of support or official designation requests
- Providing oral or written comments during public proceedings
- Engaging in permits, TMDLs, monitoring, and enforcement processes

Guidance: pages 49-50 | How Tribes Can Get Involved

How Supporters Can Get Involved

Designation requests must come from a California Native American Tribal government, but supporters can help by:

- Learning about current TBU projects and signing up for updates
- Submitting letters supporting TBU priorities, plan updates, or specific Tribal designation requests
- Participating in public workshops, CEQA review, and Board proceedings
- Providing public comments on proposed plan amendments

Guidance: pages 51 | How Supporters Can Get Involved

TRIBAL AFFAIRS

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Tribal Beneficial Uses (TBUs)

Water is life. Since time immemorial, California Native American Tribes have used California's waterbodies to support cultural, spiritual, ceremonial, subsistence and/or traditional practices, lifeways and rights. Tribal Beneficial Uses recognize and honor Tribal Nations' unique and ongoing relationships with water and ensure that these uses are considered and safeguarded in water quality policies, planning, and permitting regulatory processes.

This page provides information about Tribal Beneficial Uses, how they are incorporated into water quality control plans established by the California Water Boards, and how California Native American Tribes and Tribal communities can participate in this process.

ANNOUNCEMENT: Feedback Requested on Draft Guidance on Designating Tribal Beneficial Uses

- **August 31, 2026:** Deadline to submit written comments and to conclude Tribal consultations
- **July 22, 2026:** State Water Board workshop

To learn more, visit [Requesting Feedback on Draft Guidance on Designating Tribal Beneficial Uses](#)

Traditional Salmon Bake (banner image), is courtesy of Marla Bennett, Quartz Valley Indian Reservation, Environmental Program Manager

Tribal Beneficial Uses Definitions

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[Learn More About TBUs](#)



[Provide Feedback on the Draft Guidance](#)



[TBU Progress Across the State](#)



[Maps, Tools, and Resources](#)

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Tribal Beneficial Uses Progress Updates Across the Water Boards

All ten Water Boards are at different stages in their processes to designate Tribal Beneficial Uses in their water quality control plans (basin plans). To initiate a Tribal Beneficial Uses designation request, please contact the point of contacts below.

Regional Water Boards Progress Updates

(Region 1) North Coast Regional Water Board

(Region 2) San Francisco Regional Water Board

(Region 3) Central Coast Regional Water Board

(Region 4) Los Angeles Regional Water Board

(Region 5) Central Valley Regional Water Board

(Region 6) Lahontan Regional Water Board

(Region 7) Colorado River Basin Regional Water Board

(Region 8) Santa Ana Regional Water Board

(Region 9) San Diego Regional Water Board

Regional Water Boards Map



[\(click to view larger image\)](#)



TRIBAL AFFAIRS

[Home](#) | [Tribal Affairs](#) | [Beneficial Uses](#) | [Resources](#)

Tribal Beneficial Uses Data, Tools, and Resources

This webpage serves as a centralized resource for maps, data tools, and resources to support designation and protection of Tribal Beneficial Uses (TBUs).

Preparing for Tribal Beneficial Use Designation Requests

To initiate a request to designate specific waterbody(s) with a Tribal Beneficial Use, a letter from a California Native American Tribe must be submitted. The Guidance on Designating Tribal Beneficial Uses provides more information on the designation process. The following are resources to support the development of designation request letters.

[Review Guiding Questions for Preparing Designation Request Letters](#)

Explore Existing Beneficial Use Designations and Maps

The Tribal Water Data map is a resource to learn about what existing beneficial uses are currently designated in the waterbodies where Tribal Beneficial Uses may be taking place. This map can support understanding of watersheds, water quality conditions, monitoring locations, and Tribal Beneficial Use considerations.

- Open the Tribal Data Map tool
- Select "Layers" on the lefthand side of the screen. Toggle the layers you want to see shown on the map by hovering over the layer with your mouse and clicking the visibility eye icon.
- Turn on the layer called "3.2_Integrated Report and Beneficial Uses Layers" This layer shows all of the beneficial uses that have already been formally designated in a water quality control plan (basin plan). This layer does not currently show designated Tribal Beneficial Uses because none have been designated yet. This layer includes beneficial uses like recreation, aquaculture, navigation, cold freshwater habitat, shellfish harvesting, etc.

Additional related mapping tools:

- [Tribal Data Initiatives Webpage](#)
- [California Water Boards GIS Resources](#)
- [Surface Water Ambient Monitoring Program \(SWAMP\) Mapping Tools](#)
- [California Integrated Report Mapping Resources](#)
- [California Water Quality Monitoring Council Data Portals](#)
- [Regional Basin Plan Maps](#)



Tribal Data Mapping Tool

Legend

3.1_Tribal Land Layers

3.1.1_Bureau-of-Indian-Affairs

3.1.1.1_Indian_Lands



3.1.1.2_Land_Grants



3.1.1.3_Public_Domain_Allotment_Tracts



3.1.1.4_Reservation_Boundary



3.1.1.5_Reservation_Tracts



3.1.1.6_All_Tracts

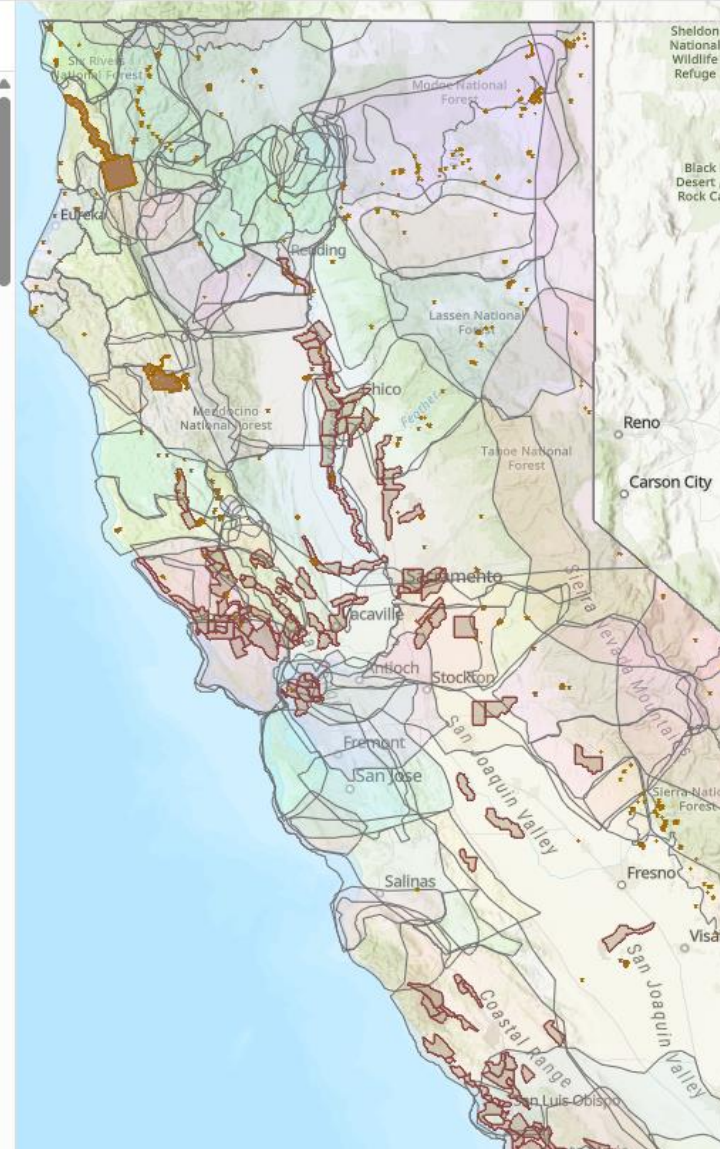


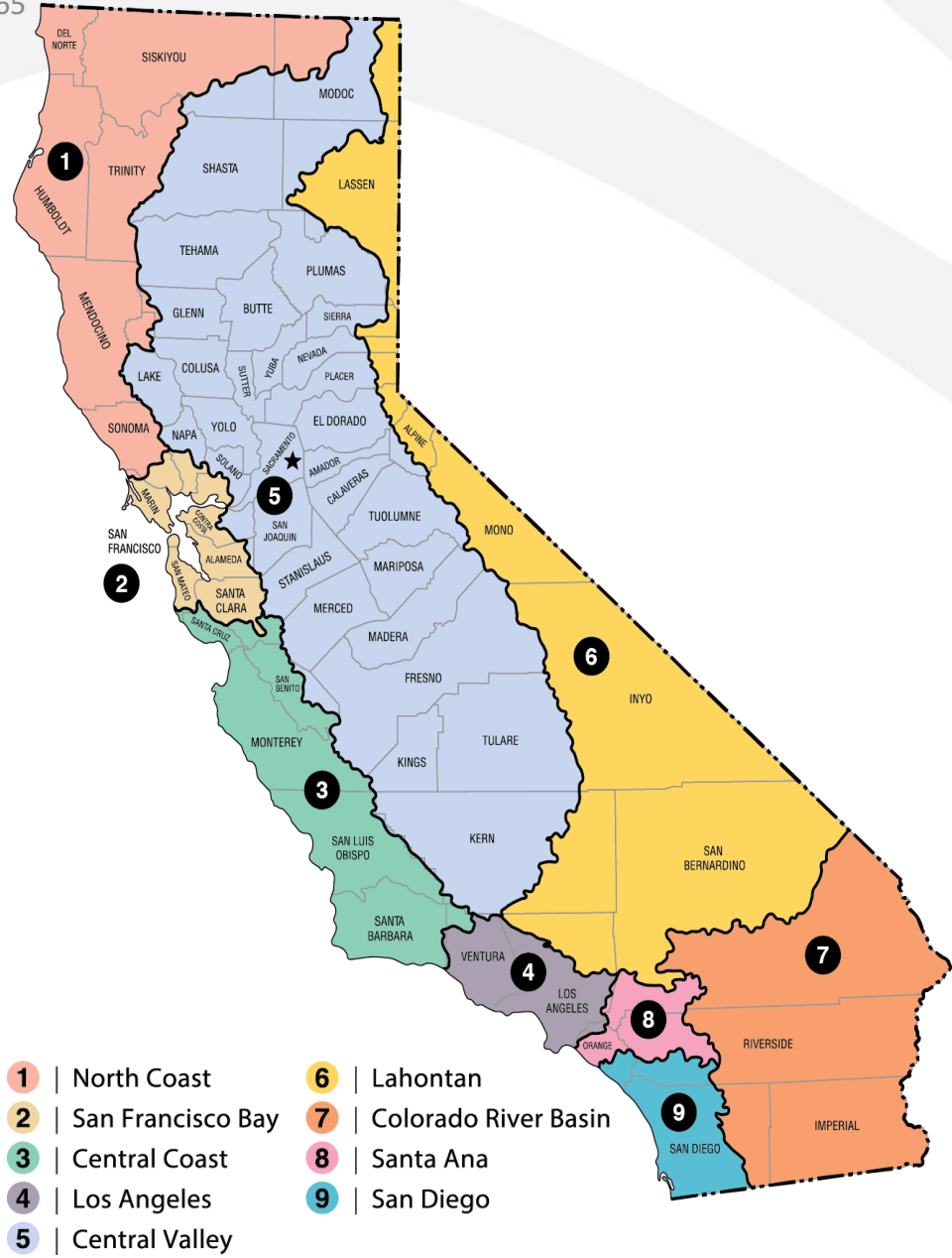
3.1.2_Indigenous-Territories_Native-Land-Digital

Name

Achumawi

Acjachemen (Juaneño)





Resources and Contacts

Tribal Affairs:
[waterboards.ca.gov/tribal affairs](https://waterboards.ca.gov/tribal_affairs)

Tribal Beneficial Uses:
[waterboards.ca.gov/tribal affairs/beneficial uses.html](https://waterboards.ca.gov/tribal_affairs/beneficial_uses.html)

Tribal Coordinators Contact Information:
bit.ly/SWB-Tribal

Adriana Renteria, Tribal Liaison
Tribal-Liaison@waterboards.ca.gov (916) 341-5501



How To Provide Feedback on the Draft Guidance on Designating Tribal Beneficial Uses

Submit Comments or Request Tribal Consultation

Written Comments

Provide Comments This Afternoon

Comments from Tribal elected officials will be heard first, followed by general public comment.

To provide a comment:

- 1) Complete a virtual blue speaker card using the link below.
- 2) Wait for your name to be called.
- 3) Provide your comment for up to 3 minutes.

www.waterboards.ca.gov/board_info/remote_meeting/



Questions & Dialogue



TBU Progress Across the State

Water Board	Triennial Review	Adopted Definitions	Waterbody Designations
State Water Board		Bay-Delta Plan Amendment in Progress	Plan Amendment in Progress
R1 North Coast	Complete 2023	Complete 2003 / Tribal engagement*	Complete 2003, Tribal engagement*
R2 San Francisco Bay	Complete 2021, 2024	Pending SWB approaval 2026	
R3 Central Coast	Complete 2023, 2024	Complete 2025	
R4 Los Angeles	Complete 2023	Complete 2023	Tribal engagement
R5 Central Valley	Complete 2020, 2023	Complete 2024	Plan Amendment in Progress
R6 Lahontan	Complete 2018, 2022, 2025	Complete 2021	Plan Amendment in Progress
R7 Colorado River	Complete 2020, 2023	Complete 2025	
R8 Santa Ana	Complete 2024	Not Started	
R9 San Diego	Complete 2021, 2024	Complete 2020	Tribal engagement

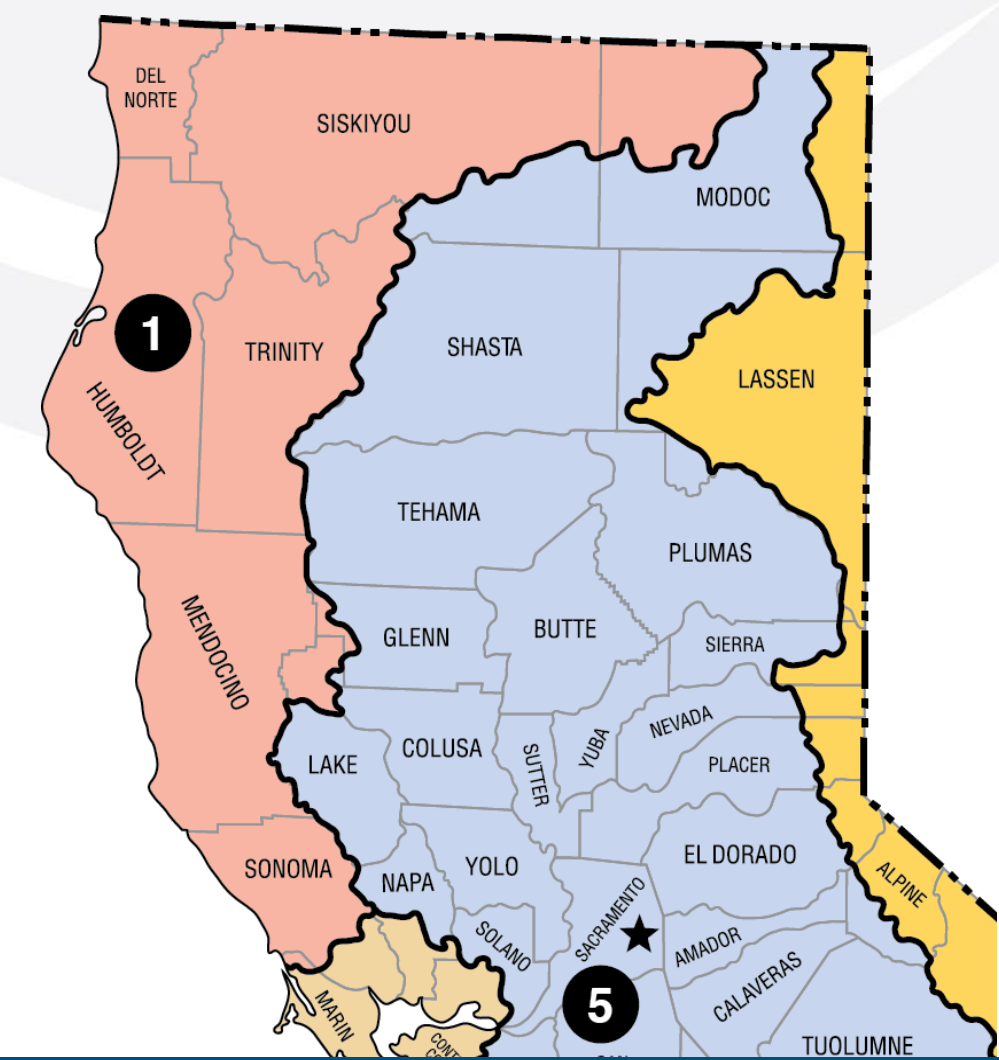
Updates from North Coast Region

Native American Culture
Beneficial Uses Project



Lisa Bernard, Cody Walker, and Michelle Fuller

North Coast Region





Big River

Buldam (Pomo)

Tribal Coordinator Role

- Consultation and engagement support
- Outreach and other collaborative work such as sampling.
- State Water Board Coordination

Native American Culture Beneficial Uses Project Role

- Core team member
- Develop content and support presentations
- Ensure Tribal perspectives are heard
- Assist with project research

Native American Culture Beneficial Use in the North Coast Region

2003 North Coast Basin Plan amendment added a new beneficial use definition to recognize and protect unique relationships between California Native American Tribes and water.



Basket by:
Mary Knight Benson and William Benson
Yokayo Rancheria ~1930
National Museum of the American Indian

Native American Culture Beneficial Use

Native American Culture (CUL):

Uses of water that support the cultural and/or traditional rights of indigenous people such as subsistence fishing and shellfish gathering, basket weaving and jewelry material collection, navigation to traditional ceremonial locations, and ceremonial uses.

Current Designations of CUL

- The North Coast Basin Plan has 28 individual named waterbodies designated with CUL
- Additionally, the following general waterbody categories were designated as existing or potential:
 - Minor coastal streams
 - Bays
 - Estuaries
 - Freshwater wetlands
 - Saline wetlands
 - Groundwater

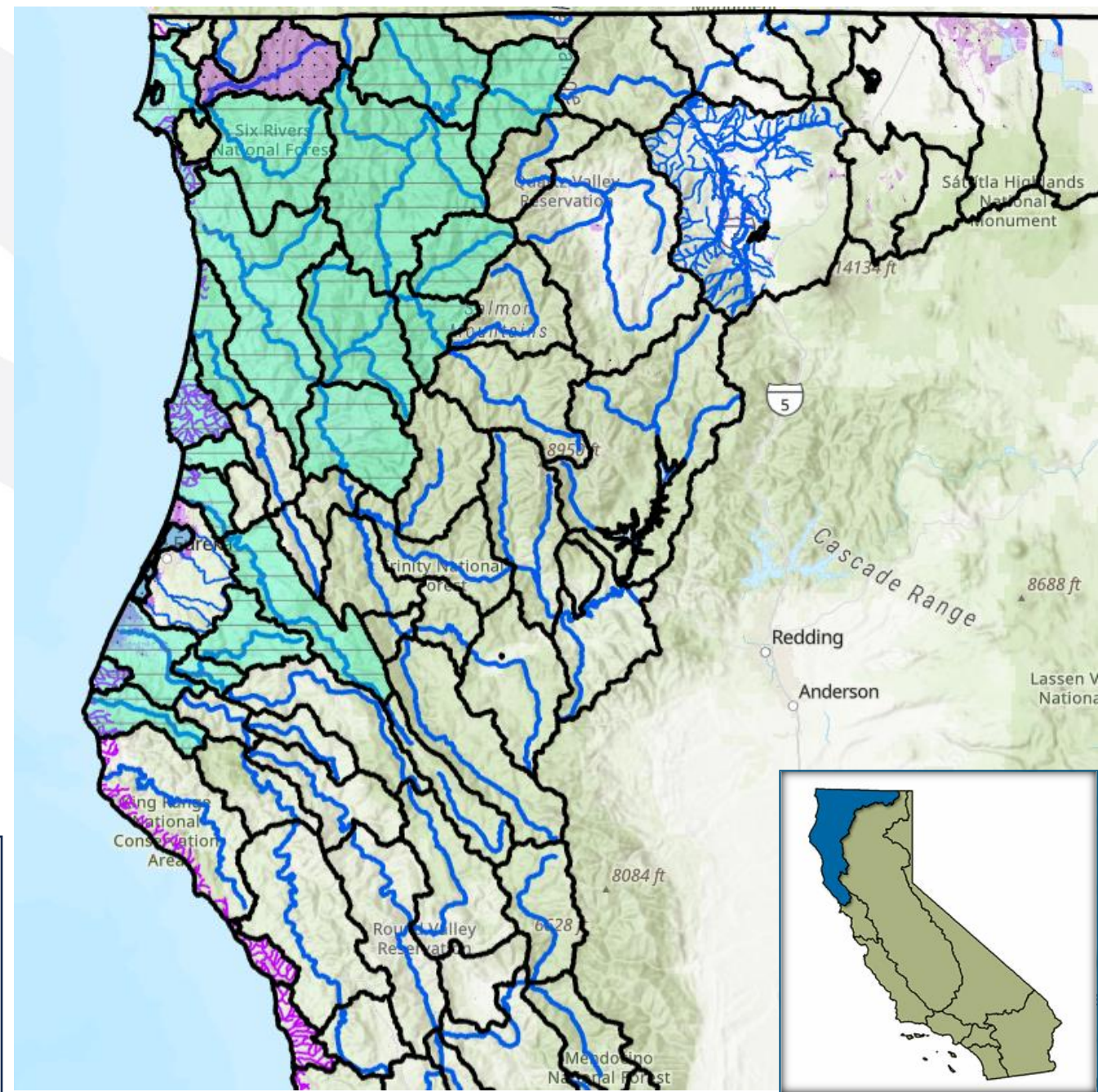
North Coast CUL Designations

Inset map shows the North Coast Region in blue within the state.

Larger map snapshot shows named waterbody segments designated with CUL and some of the general waterbody categories designated with CUL in the North Coast Basin Plan.

Map Legend

-  Table 2-1 Waterbody Lines
-  Table 2-1 Waterbody polygons
-  CUL existing use
-  CUL potential use





Smith River

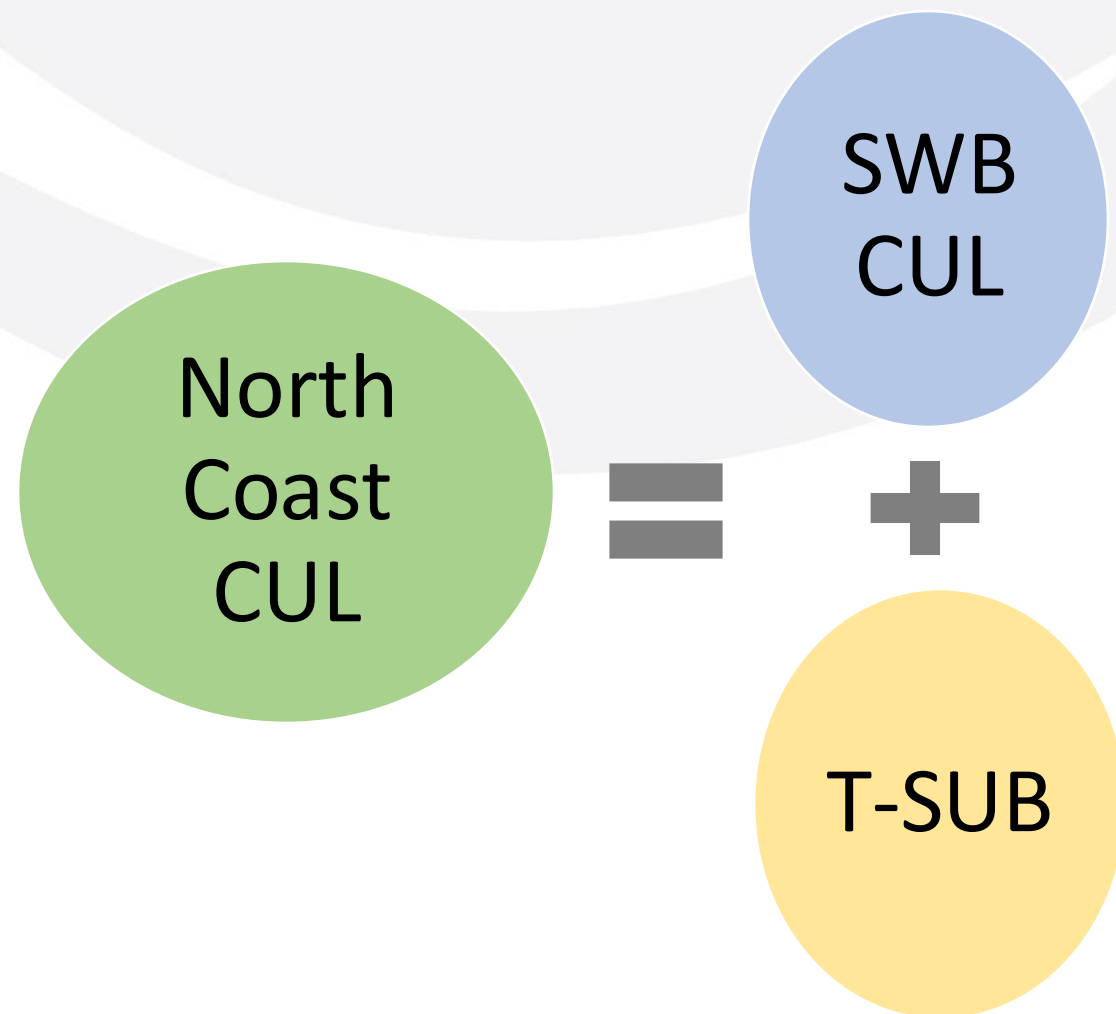
Nii~li~ (Tolowa)

Ongoing Protection of CUL beneficial use

- Klamath River TMDLs
- Lily Bulb Order *under development*
- Permits & enforcement

North Coast CUL equivalency

- State Water Board's 2017 CUL and T-SUB beneficial uses do not supersede North Coast Water Board's earlier CUL beneficial use.
- Analysis of activities covered by each definition supports equivalency.



Applicability of Water Quality Objectives

- Staff look to similar exposure scenarios (water contact, drinking, etc.) and guidance
- Narrative water quality objectives
- Numeric water quality objectives



South Fork Smith River

yan'-tr'ee-ghii~li~' (Tolowa)

Current North Coast Project

- Designation Template
- Tribal Advisors
- Contractor support for Tribes
- Basin Plan Amendment to designate additional waterbodies with CUL
- Public input



Basket by Elizabeth Hickox
Wiyot and Karuk, 1920
National Museum of the American Indian

North Coast Tribal Consultation & Engagement



South Fork Trinity River
yisinch'ing-qeh (Tsungwe)

- Tribal consultation approach
- Tribal engagement efforts
- What we've heard so far

Opportunities for Engagement

Tribal Engagement

Current Phase:

Tribal consultation invitations; Tribal Advisor input

Fall 2026:

Tribal designation template review; listening sessions

Spring 2027:

Tribal designation requests; Tribal workshops; contract support

Public Engagement

Summer 2027:

CEQA Scoping; public workshops (virtual + in-person)

Fall 2027:

Draft staff report; public comment; North Coast Board public workshop

Spring 2028:

North Coast Board Public meeting; written/oral comments

Spring 2029:

State Board public comment + meeting

Thank you



South Fork Eel River

Sinkyoko (Sinkyone)

Lisa Bernard
 Planning Unit Supervisor
Lisa.Bernard@waterboards.ca.gov

Michelle Fuller
 Project Lead, Planning Unit
Michelle.Fuller@waterboards.ca.gov

Cody Walker
 Tribal Coordinator & Engineering
 Geologist, Cleanup Unit
Cody.Walker@waterboards.ca.gov

Updates from Central Valley Region & Tribal Partners

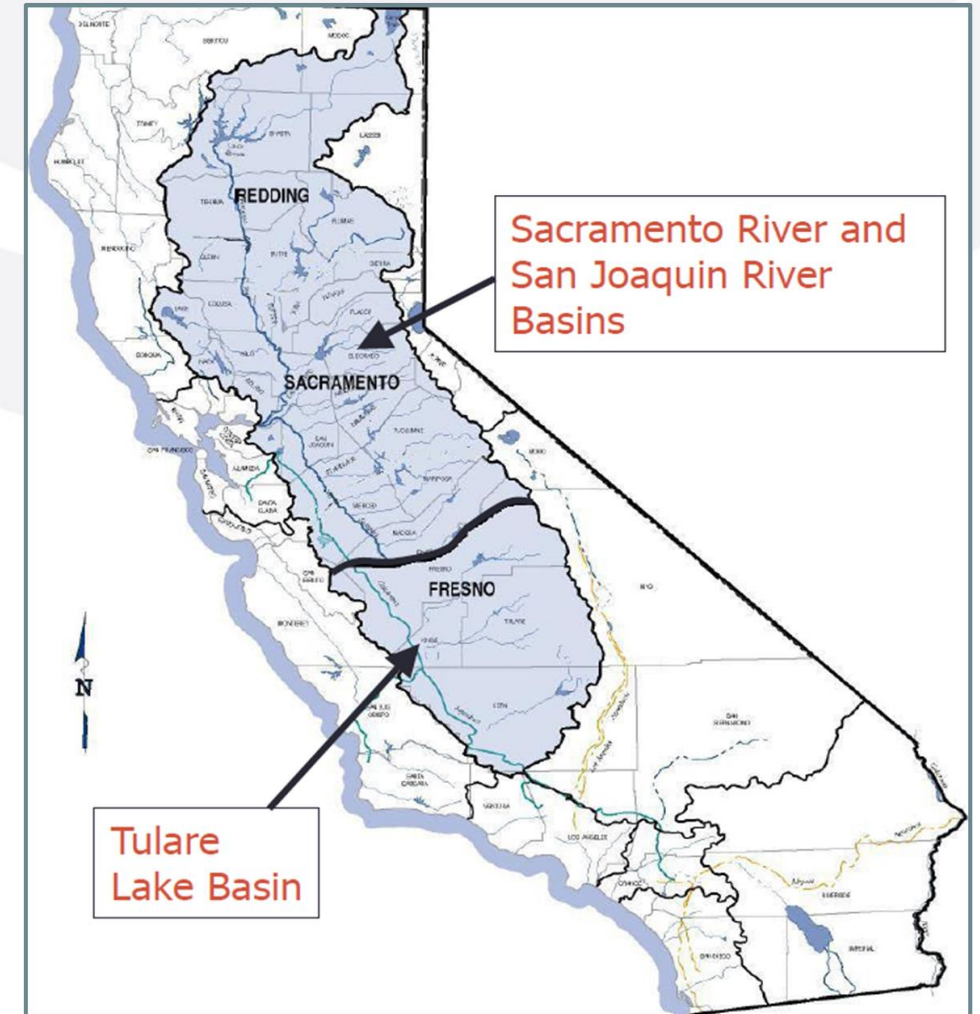
Sajleen Phagura, Central Valley Water Board
Sarah Ryan, Big Valley Band of Pomo Indians
Michael Preston, Winnemem Wintu Tribe



July 22, 2026

Central Valley Water Board (CVWB)

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



Tribal Beneficial Uses Project: 2 Components

Add Definitions to Basin Plans

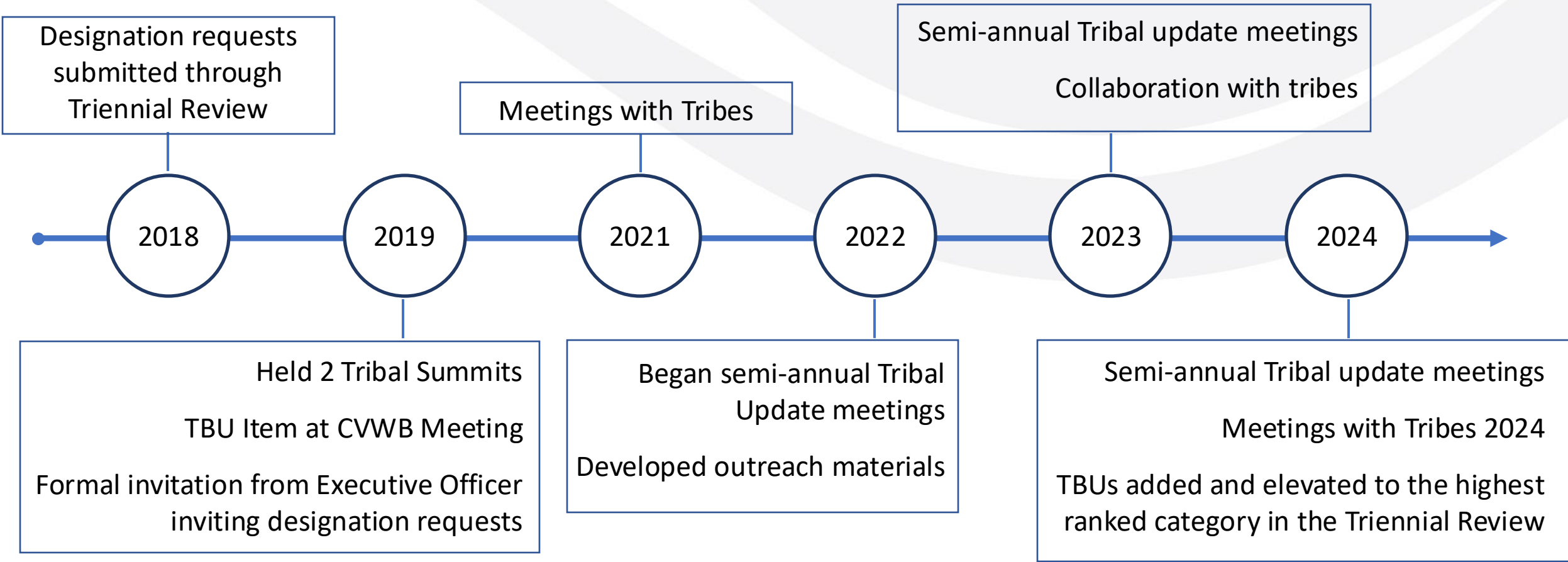
Basin plan amendment to add TBU definitions to CVWB Basin Plans



Designate Waterbodies

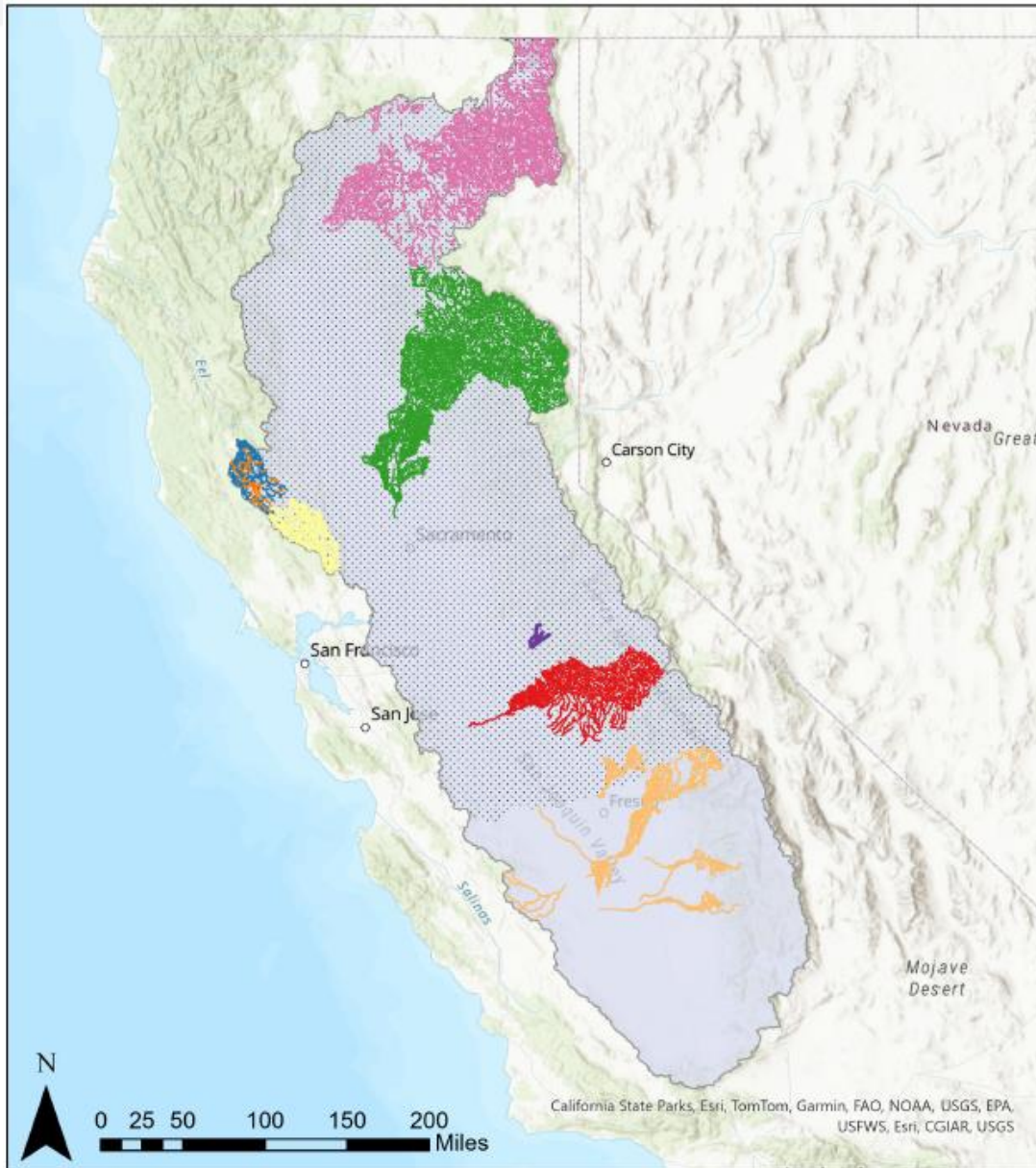
Basin plan amendments to designate TBUs as a beneficial use

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

Designation Strategy

1. Focus on human health risks: Water contact and consumption exposure
2. Identify existing beneficial use with similar exposure as activities protected under CUL beneficial Use (COMM, REC-1, REC-2)
3. Identify impairments to those beneficial uses in the 2024 303(d) list
4. Group waterbodies in different categories based on impairment listing

Current Proposed Basin Plan Amendment

- No water quality impairments identified in the 2024 303(d) Report for REC-1, REC-2, and COMM beneficial Uses
- Currently designated beneficial uses of REC-1 and COMM are protective of tribal use
 - An event of swimming (includes incidental ingestion of water)
 - One fish meal per week (8 ounce)
- Propose designation of CUL if the above criteria is met

Project Description (continued)

- COMM beneficial use to be designated in water proposed to be designated with CUL beneficial uses as both beneficial uses cover similar activities:
 - CUL uses of water include gathering and consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.
 - COMM uses of water include collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.

Project Description (continued)

Project Area: Waters throughout the Sacramento, San Joaquin, and Tulare Lake watershed



Information Requested for TBU Designation

Formal letter or email from a tribal representative should include:

- Tribe name
- Representative's contact information
- Waterbody segments as listed on the project website
- Route of exposure during tribal activity
- Activity duration and frequency
- Whether the activity has occurred since 1968 or will take place in the future

BPA to Designate CUL process

Completed:

1. AB52 Consultation letters sent to Tribes (February 2026)
2. CEQA Public Scoping Meeting (May 2026)
3. CEQA Public Comment Period (April 15 – June 15)

Current:

1. Continue reviewing designation requests
2. Meet with tribes planning to submit requests
3. Collect and compile supporting information for CUL designation

Next:

1. Host Tribal Update Meeting (Fall 2026)
2. Tribes submit supporting information for designations (December 2026)
3. Draft Staff Report (Fall 2027)

Project Contacts

Sajleen Phagura, TBU Project Lead

Sajleen.Phagura@waterboards.ca.gov

916.464.4700

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

TBU Project Website and Email List:

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



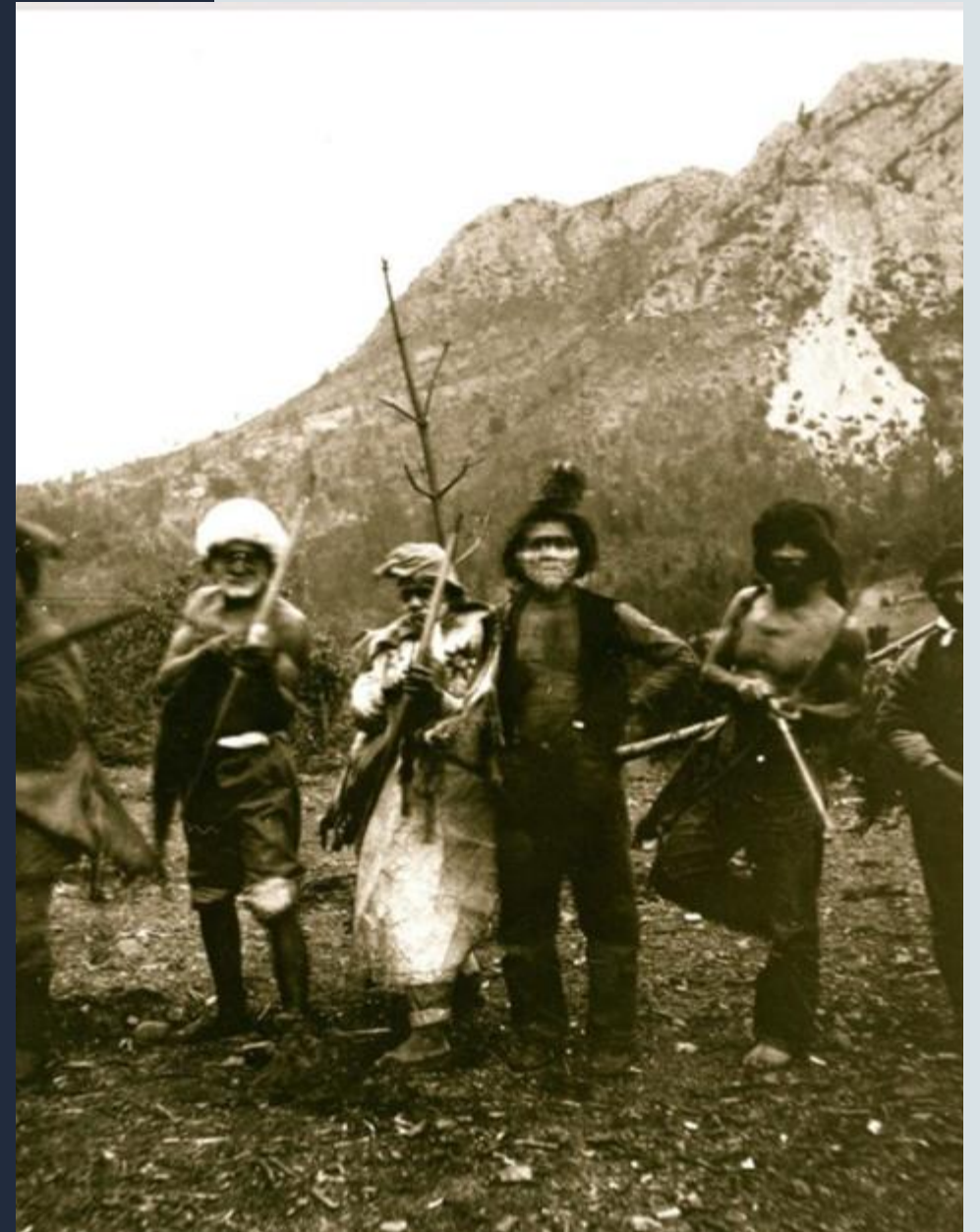
Tribal Beneficial Use Designation Request

Presented by the Winnemem Wintu Tribe under
Chief and Spiritual Leader Caleen Sisk, co-
presented with Sarah Ryan, Big Valley Rancheria
JULY 2026

The People of the McCloud

WINNEMEM WINTU LIFEWAYS AND TRADITIONS

The Winnemem Wintu have thrived along the McCloud River, practicing our **cultural traditions** and ceremonies that connect us deeply to the water and land.



The Nur and the River

SALMON'S ROLE IN CULTURAL CEREMONIES

The winter-run Chinook salmon is **integral** to the Winnemem traditions, serving as a connector of life and continuity, with ceremonies held along the McCloud River calling for their return.



The Request: Two Waterbodies for CUL Designation

MCCLLOUD RIVER

Basin Plan Map No. 1, Hydrologic Unit 505.00, Siskiyou and Shasta Counties. The McCloud River is central to Winnemem Wintu ceremony and lifeways and is already on the Board's considered list. The Tribe asks to serve as the confirming Tribe for its CUL designation.

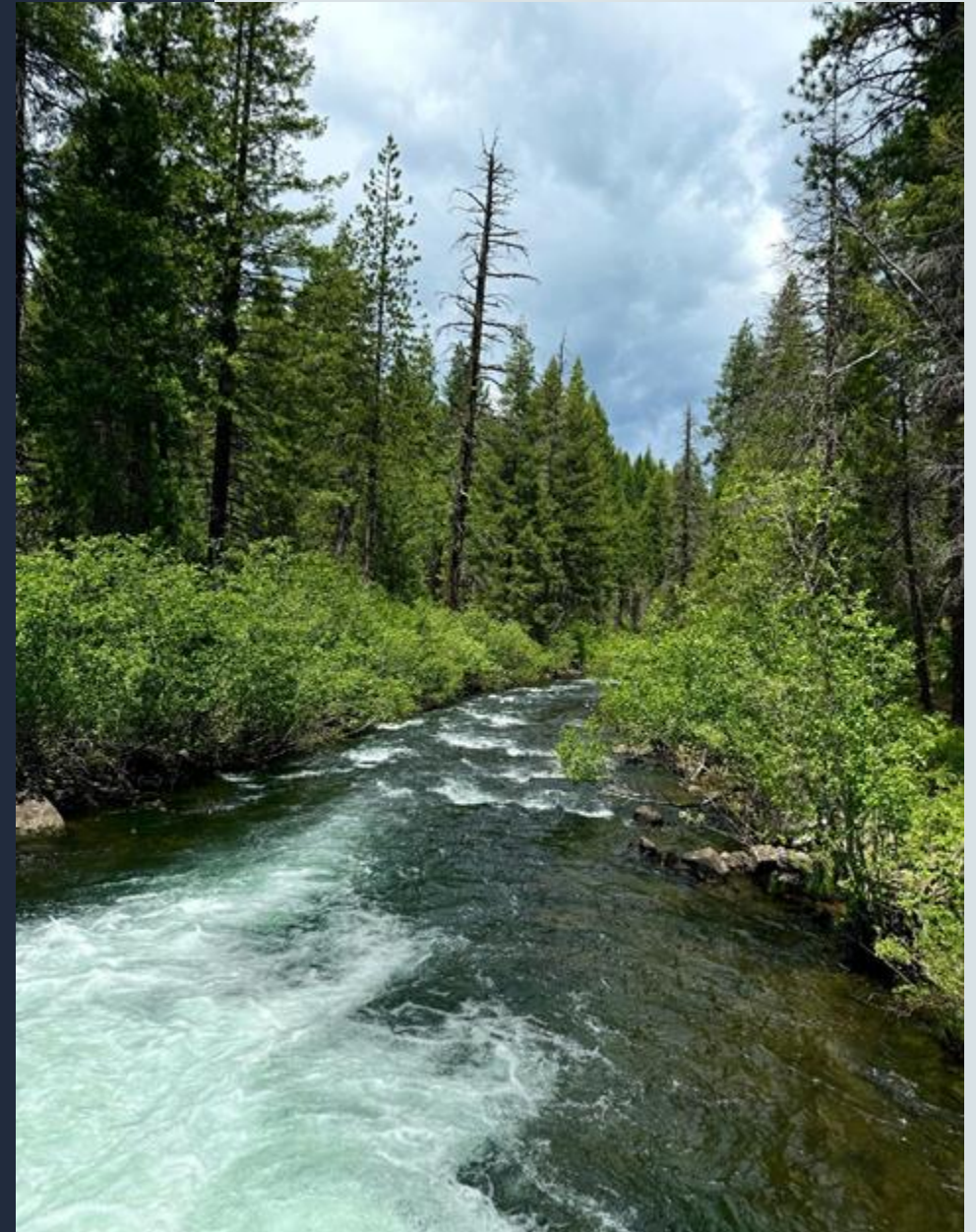
COW CREEK

Basin Plan Map No. 16, Hydrologic Unit 507.3, Shasta County. The Tribe holds ceremony at the mouth of Cow Creek with prayers for the salmon's return. Cow Creek is also on the Board's considered list, and the Tribe asks to serve as the confirming Tribe for its CUL designation.

The Water Quality Nexus

PROTECTING TRIBAL USES AND TRADITIONS

Clean, cold water is vital for the Winnemem Wintu Tribe's cultural practices. **Degraded water quality** threatens whole lifeways, highlighting the need for protective measures that benefit future generations.



Existing Regulatory Alignment Frameworks

CO-MANAGEMENT AGREEMENTS

The Tribe has established important **co-management agreements** with CDFW and NMFS, enhancing collaborative efforts for winter run Chinook salmon reintroduction in the McCloud River. These frameworks facilitate shared responsibilities and decision-making, ensuring that tribal knowledge and practices are integrated into management strategies.

FERC LICENSE CONSULTATION

The Tribe's involvement as a named consulting party under the FERC license Order WQ 2026-0019 reinforces its commitment to sustainable practices. This consultation ensures that tribal interests are considered in regulatory processes, fostering alignment with both federal and state standards for water quality management.

Protecting Sensitive Information in Consultation

ENSURING TRIBAL PRIVACY AND CULTURAL INTEGRITY

The Tribe requests designation at the waterbody level, maintaining confidentiality of specific cultural sites and engaging in formal consultations to safeguard traditional knowledge and practices.

Next Steps: Moving Forward

BASIN PLAN AMENDMENT

The Tribe requests the inclusion of the McCloud River and Cow Creek in the upcoming Basin Plan amendment to officially designate their **CUL rights**. This amendment will ensure the safeguarding of the cultural values tied to these water bodies.

CONTINUED COORDINATION

Ongoing collaboration with the Central Valley Regional Water Quality Control Board is essential for the successful realization of this request. The Tribe is committed to maintaining open lines of communication **throughout the process** to support mutual understanding and progress.

Contact Information

PHONE

530-440-6270

WEBSITE

www.winnememwintu.us

EMAIL

tuiimyali@gmail.com





Tribal Beneficial Use Development: Clear Lake

Sarah Ryan, Environmental Director, Big Valley Band of Pomo Indians

State Water Resources Control Board

July 21, 2026

*some slides are from CalWATCH presentation to CCHAB 8/13/25

Clear Lake (Xabatin)



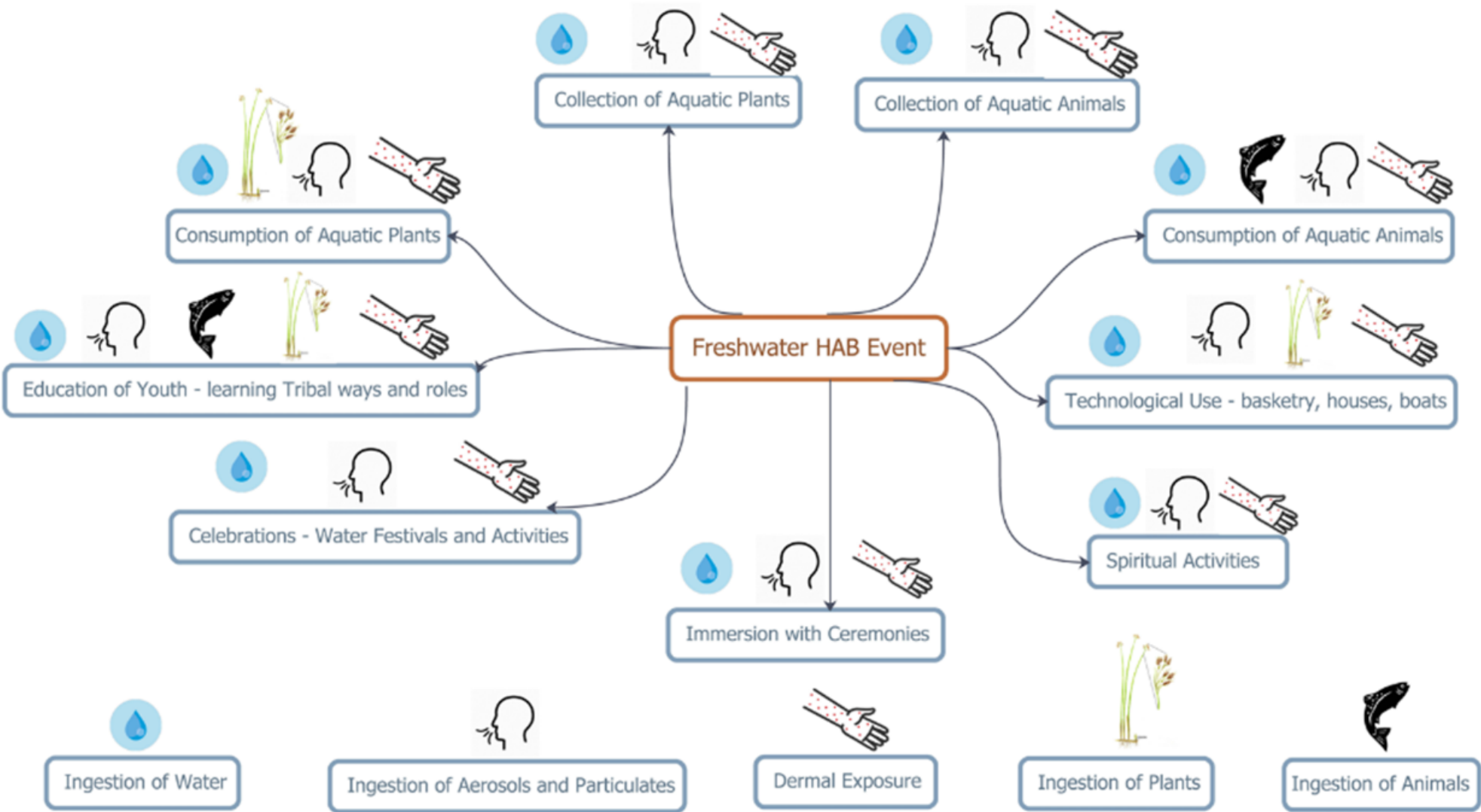
- Largest natural freshwater lake in California
- 100 miles of shoreline
- Surface area of 43,785 acres
- Average depth 27 feet, max depth 60 feet
- Oldest lake in North America – sediment cores dating 1.8 million years

Tribal Beneficial Uses - Definitions

- **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.

Tribal Cultural Use Conceptual Freshwater Harmful Algal Bloom (FHAB) Impact Pathway

Native peoples were given their land by Creator and honor Creator and their Ancestors by maintaining traditions and cultural landscapes. This is the connection between the land and the people. Uses can be repetitive, gender assigned and long term. Exposures can occur second hand through the use and trade of plants and animals that have been in contact with HABs.



SITE	TOTAL # SAMPLES	PARAMETER	AVERAGE	MAX	MIN
	3	Temperature, Water	14.33	19.54	8.41
BVCL19	3	Chlorophyll-a	22.13	63.38	3.13
	3	Dissolved Oxygen (DO)	7.64	11.07	5.57
	3	pH	7.77	8.61	7.07
	3	Temperature, Water	15.22	21.75	8.44
BVCL20	4	Chlorophyll-a	17.95	53.92	2.65
	4	Dissolved Oxygen (DO)	7.92	10.59	5.78
	4	pH	7.49	8.67	6.49
	4	Temperature, Water	15.89	23.02	8.27
AP01	15	Chlorophyll-a	8.89	31.85	1.99
	15	Dissolved Oxygen (DO)	11.74	15.83	1.05
	15	pH	8.39	9.74	6.65
	15	Temperature, Water	21.06	33.06	9.36
RED01	11	Chlorophyll-a	6.22	12.96	1.01
	11	Dissolved Oxygen (DO)	11.86	17.11	4.28
	11	pH	8.93	9.77	8.32
	11	Temperature, Water	23.97	31.36	16.77
BP	15	Chlorophyll-a	6.57	17.22	1.29
	15	Dissolved Oxygen (DO)	8.96	10.87	6.74
	15	pH	8.13	9.2	6.83
	15	Temperature, Water	19.49	28.68	9.42
BVCL6 HAB	14	Chlorophyll-a	8.9	39.4	1.52
	14	Dissolved Oxygen (DO)	8	9.72	5.93
	14	pH	8.12	9.23	7.36
	14	Temperature, Water	19.12	31.04	9.1

Reviewing annual water data and highlighting numeric criteria out of range for protecting uses

Numerical objectives

- *The dissolved oxygen concentrations shall not be reduced below the following minimum levels at any time: Waters designated WARM – 5.0 mg/l
- * “The pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses.”
- *At no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5 (degrees) F above the natural receiving water temperature. Stated by CVRWQCB as standard no more than 21 degrees C
- *Clear Lake Nutrient TMDL objective for Chlorophyll-a is 72 ug/L

Datalogging in the Lake

Time Series Sondes

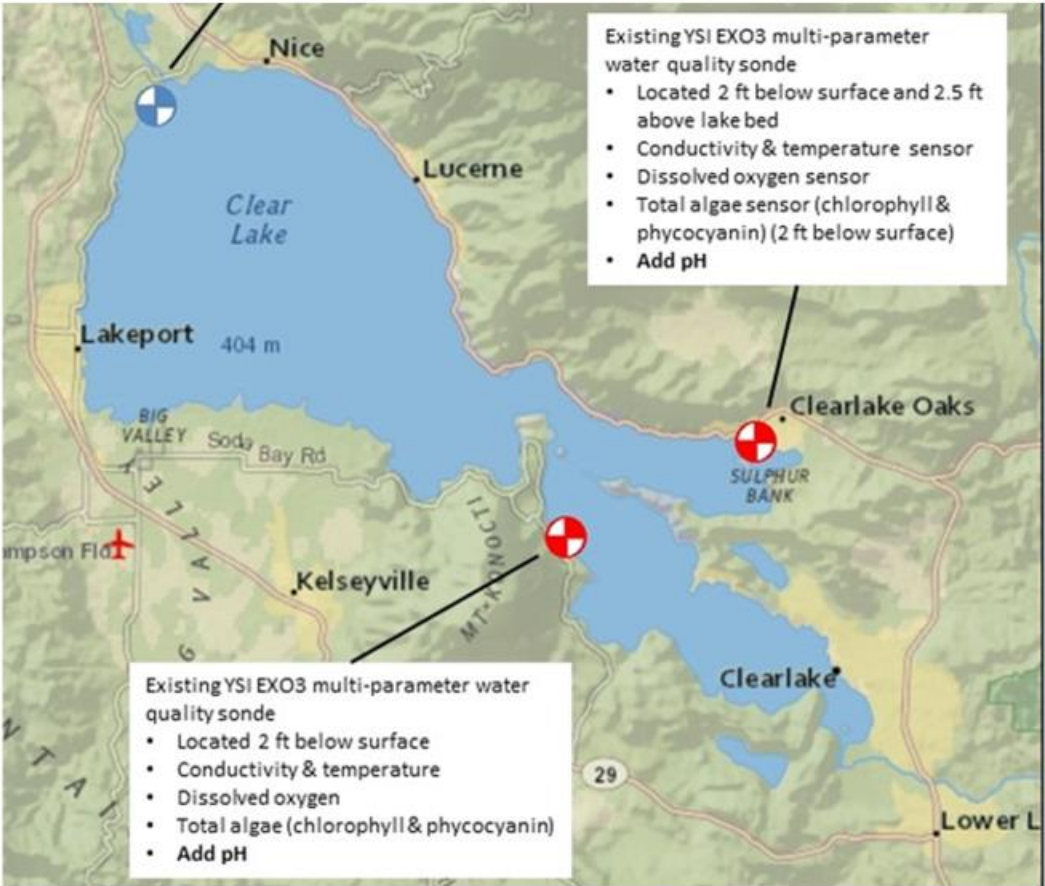
- Installing equipment in Clear Lake to have real time data in the Lower and Oaks arms



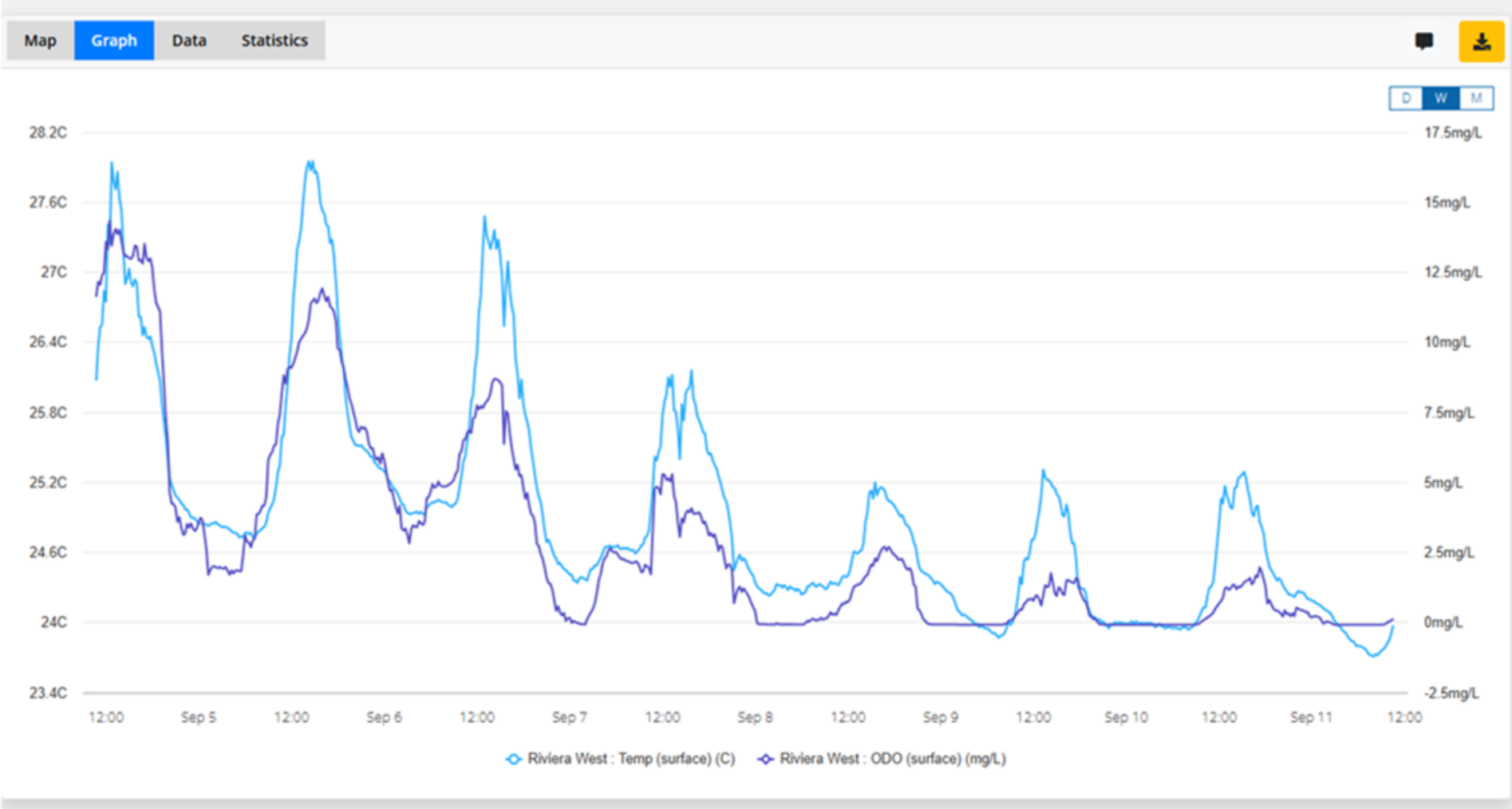
Figure 1: Data logger installations at collaborating water purveyor docks at Riviera (Lower Arm) and Clearlake Oaks (Oaks Arm) on Clear Lake. SOURCE: FlowWest.

Equipment was installed in 2 locations on Clear Lake. Thanks to input from UC Davis, installation was finalized at Public Water Systems' docks to provide more security for the equipment, thanks to input from UC Davis

YSI EXO3 multi-parameter water quality sonde with sensor ports for water quality and algal pigmentation



Big Valley's Lower Arm Data Logger Sept 5-11 during massive fish die off



Joseph Higgins
Was up at Clearlake last weekend and all I saw everywhere was dead shad. Mixed in was big crappie, carp, bass and catfish. In fact I saw a catfish still alive on the shore tossed him back into deeper waters it couldn't dive properly but it was swimming.



23h Like Reply [Send message](#) Hide

Ethan Clark

3h Like Reply [Send message](#) Hide

Chyann Bynum
Lucerne right now



1d Like Reply [Send message](#) Hide

Clear Lake Water Quality
Chyann Bynum thank you for providing some info. Do you see different species of fish or just the small shad fish?

1d Like Reply

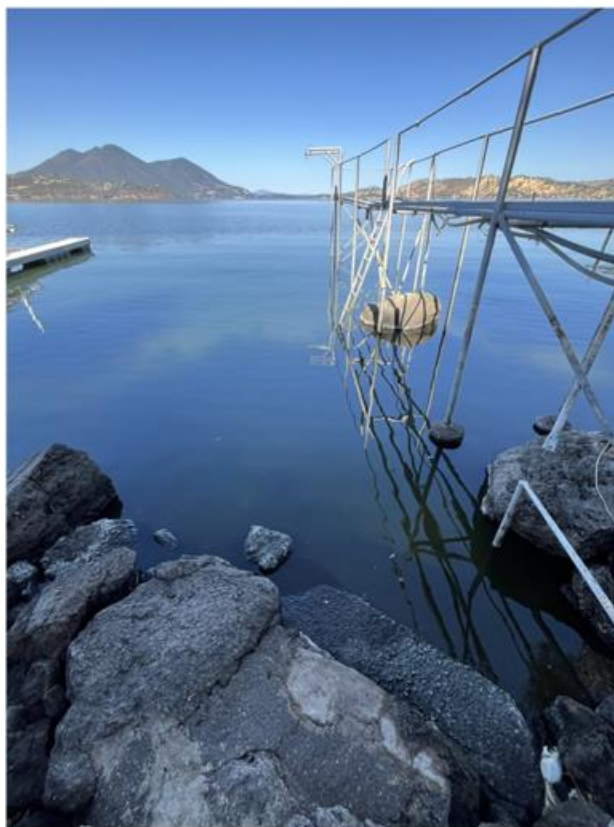
Chyann Bynum
Clear Lake Water Quality looks like catfish carp and some other fish, I'm not good with fish at all so! It's the least I can do to help

1d Like Reply [Send message](#) Hide

Reply to Clear Lake Water Quality



Synechocystis sp. Dominance



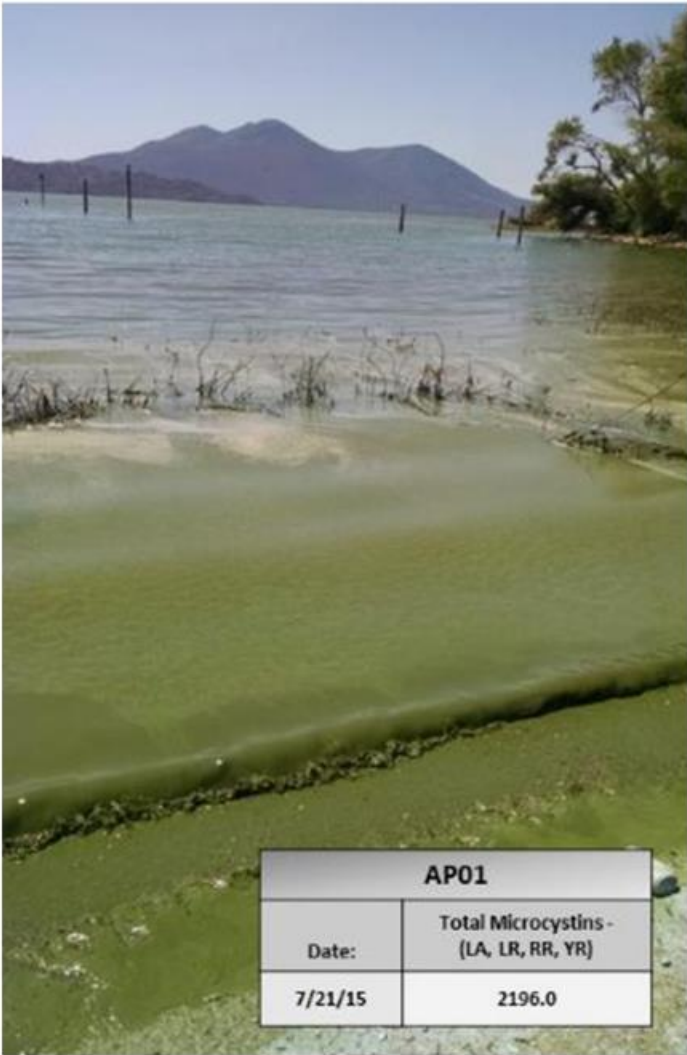
September 4th and 17th
(before and after fish
die off) –
lakewide bloom die off
dropped oxygen and
led to fish kill

Clear Lake Cyanotoxin Monitoring Program



Initiated and developed by Big Valley Band of Pomo Indians and Elem Indian Colony, 2014. <https://bit.ly/ClearLakeCyanoMonitoringProgram>

Cyanotoxins' Impacts on Beneficial Uses



HUMAN EXPOSURE



DANGER

Toxins from algae in these waters can harm people and kill pets and livestock



STAY OUT OF THE WATER UNTIL FURTHER NOTICE. Do not touch scum in the water or on shoreline.



DO NOT let pets or livestock drink or go into the water or go near the scum.

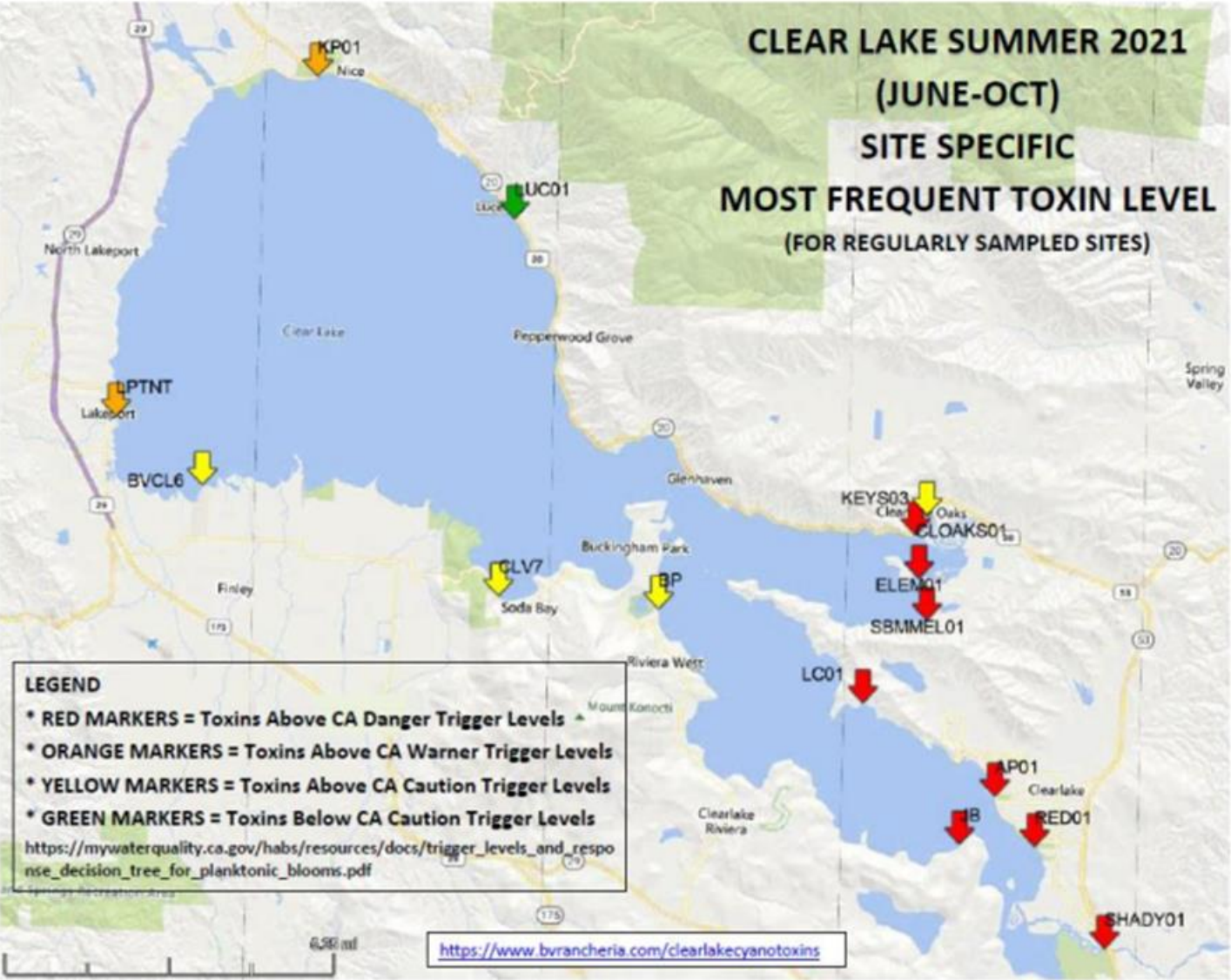


DO NOT eat fish or shellfish from these waters.



DO NOT use these waters for drinking or cooking. Boiling or filtering will not make the water safe.

AP01	
Date:	Total Microcystins - (LA, LR, RR, YR)
7/21/15	2196.0



Identifying Toxin Levels Trends

Cyanotoxins' Impacts on Beneficial Uses

FISH CONSUMPTION



INVENT ORY NAME	SITE ID	DATE COLLECTED (see seasonal color chart at bottom of spreadsheet)	SPECIES NAME *species are categorized by different colors	Microcystin RESULT TISSUE (ng/g)	Microcystin RESULT LIVER (ng/g)
83	M4	4/21/2015	CRAYFISH	5.94	
84	609	4/22/2015	BLACK CRAPPIE	4	59.75
85	762	4/23/2015	TULE PERCH	3.02	6.18
86	609	4/22/2015	TULE PERCH	4.56	ND
87	AC1	3/25/2010	HITCH	13.34 ★	52.42
88	AC1	3/25/2010	HITCH	16.5 ★	10.89
89	AC1	3/25/2010	HITCH	9.08	1.65
90	AC1	MAY, 2010	HITCH	8.47	7.51
91	215	5/26/2015	LM BASS	1.94	8.04
93	BVCL6	12/12/2017	MUSSEL	28.6 ★	
100	BVCL6	12/12/2017	MUSSEL	17.25 ★	
101	BVCL6	12/12/2017	MUSSEL	15.21 ★	
103	CP	12/14/2017	MUSSEL	12.73 ★	
104	CP	12/14/2017	MUSSEL	19.53 ★	
105	CP	12/14/2017	MUSSEL	22.95 ★	

Table 12: Sport Fish and Shellfish Action Levels for Consumption (ng/g, ww¹)

	Microcystins	Anatoxin-a	Cylindrospermopsin
Sport fish tissue level	★ 10	5000	70

Fish Cyanotoxin Study, 2018

- Using CalEPA EJ funds, Big Valley EPA staff collected fish and shellfish species from 2010-2018 and submitted them to a lab for microcystin cyanotoxin analysis.
- A total of 44 Clear Lake fish (tissue and liver samples) and 49 Clear Lake shellfish (crayfish and mussels), totaling 126 samples and ten species were submitted in February 2018.
 - Multiple species - Tribally important fish
 - All arms of the lake
 - All seasons

FISH	AVERAGE MICROCYSTIN IN TISSUE NG/G	COUNT
CRAPPIE	4.15	8
BLACKFISH	6.91	1
BLUEGILL	ND	2
CARP	13.60	2
CATFISH	2.02	6
CRAYFISH	4.19	23
HITCH	9.81	8
BASS	1.85	7
MUSSEL	10.33	26
TULE PERCH	2.99	9
all fish species	5.90	43
all shellfish species	7.26	49

Data can be found in CEDEN, Parent Project: Clear Lake Fish Cyanotoxin Study
<https://ceden.waterboards.ca.gov/AdvancedQueryTool>

Cyanotoxins in Fish, Big Valley 2nd Study

	TOTAL	# WITH DETECTS		LOWEST #	HIGHEST #	
CRAPPIE	6	1	17%	ND	2.79	79 FISH (10 SPECIES) FROM 2017-2023
BLUE GILL	2	1	50%	ND	1.92	51 HAD DETECTS, OR 65%
CATFISH	8	2	25%	ND	7.01	5 UPPER ARM SPECIES HAD HIGHEST DETECTS
CARP	8	1	13%	ND	3.77	1 LOWER ARM SPECIES HAD HIGHEST DETECTS
CRAYFISH	1	1	100%		6.8	3 OAKS ARM SPECIES HAD HIGHEST DETECTS
GOLDFISH	14	7	50%	ND	3.81	HIGHEST DETECT - SACRAMENTO BLACKFISH SPRING 2018 UPPER ARM
HITCH	30	30	100%	1.72	6.49	
REDEAR SUNFISH	2	0	0%	ND	ND	
SACRAMENTO BLACKFISH	5	5	100%		7.19	
SACRAMENTO SUCKER	3	3	100%	2.43	3.42	

SPECIES	AVERAGE MC ng/g	COUNT	% WITH DETECTS
CRAPPIE	0.54	6	17%
BLUE GILL	1.01	2	50%
CATFISH	1.44	8	25%
CARP	0.55	8	13%
CRAYFISH	6.8	1	100%
GOLDFISH	1.84	14	50%
HITCH	3.7	30	100%
REDEAR SUNFISH	ND	2	0%
SACRAMENTO BLACKFISH	4.46	5	100%
SACRAMENTO SUCKER	3.17	3	100%

SEASON	AVERAGE MC ng/g	COUNT
FALL		0
SPRING	4.15	31
SUMMER		0
WINTER	1.41	48

YEAR COLLECTE D	AVERAGE MC ng/g	COUNT
2017	6.8	1
2018	5.15	6
2022	2.43	52
2023	1.63	20

ARM OF CLEAR LAKE	AVERAGE MC ng/g	COUNT
UPPER	2.44	58
OAKS	2.55	12
LOWER	2.75	9

fish meal/week

1

5

suggested action level

10 ng/g

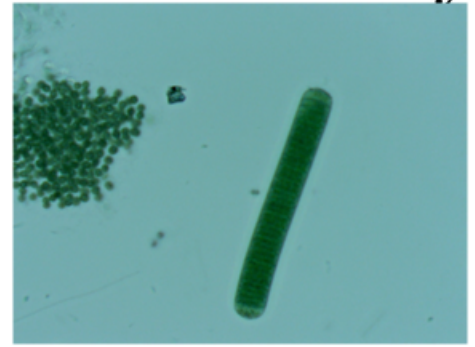
2 ng/g

Local Drinking Water Issues – Self supplied homes are vulnerable!

- Cal-WATCH

California Water: Assessment of Toxins for Community Health Project

www.cal-watch.org



Papers on project:

<https://www.cdc.gov/mmwr/volumes/71/wr/mm7141a3.htm>

<https://awwa.onlinelibrary.wiley.com/doi/full/10.1002/aws2.1337>

55

NEAR SHORE WELLS
TESTED AT TAP

Including Clearlake, Lower Lake, Kelseyville, Nice, and other cities

44

LAKE WATER INTAKES
TESTED AT TAP

Included areas heavily impacted by summer cyanobacterial blooms

FINDINGS

4

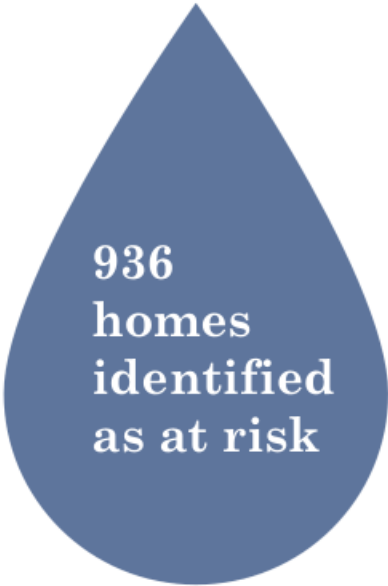
CREEK WATER INTAKES
TESTED AT TAP

Including seasonal and year-round creeks

60%

WATER SAMPLES WITH
CONTAMINANTS

57 homes with one or more positive results



	Water Testing Results			
Water Use (<i>n</i>)	Nitrates Identified	Coliform Identified	Cyanotoxin Identified	Any Contaminant Identified
Drinking (46)	28% (13)	41% (19)	15% (7)	72% (33)
Cooking (73)	25% (18)	40% (29)	22% (16)	71% (52)
Showering/bathing (95)	25% (24)	40% (38)	24% (23)	73% (69)
Laundry (91)	24% (22)	40% (36)	25% (23)	71% (65)
Dishwashing (94)	24% (23)	41% (37)	24% (23)	71% (67)
Brushing teeth (37)	35% (13)	35% (13)	11% (4)	68% (25)
Vegetable garden (54)	28% (15)	31% (17)	22% (12)	70% (38)
Other irrigation (71)	22% (16)	37% (26)	27% (19)	72% (51)

EXPOSURE

Interpretation:
among those using household water for <use> X% had <contaminant> identified in their water.

Key Take Away Points

- Tribal water programs can provide much needed information to protect Tribal uses of water
- Exposure scenarios for Tribal traditional activities are still being developed and will be integrated into regional management plans
- Meanwhile, Tribal traditional uses continue, and exposures to unacceptable contaminants continue.

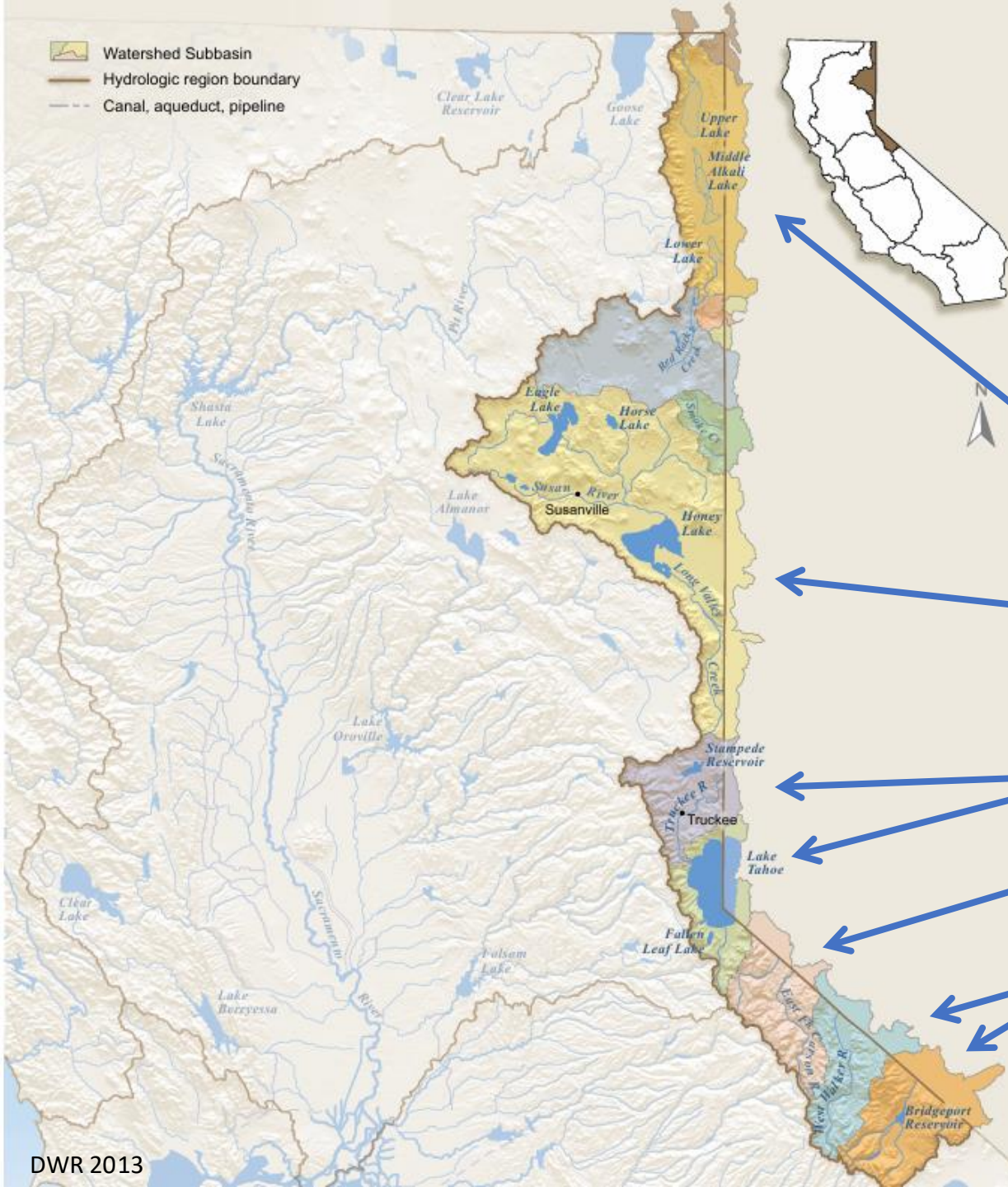


Sarah Ryan
 Big Valley Band of Pomo Indians
sryan@bvr-nsn.gov
<https://www.bvrancheria.com/epa>
 707-582-8770

Updates from Lahontan Region and Tribal Partners

Dean Tonenna, Tribal Elder, Mono Lake Kootzaduka'a Tribe
Ben Letton, Executive Officer, Lahontan Water Board
Dan Sussman, Lahontan Water Board





North Lahontan Watersheds

Surprise Valley/ Alkali Lakes watersheds

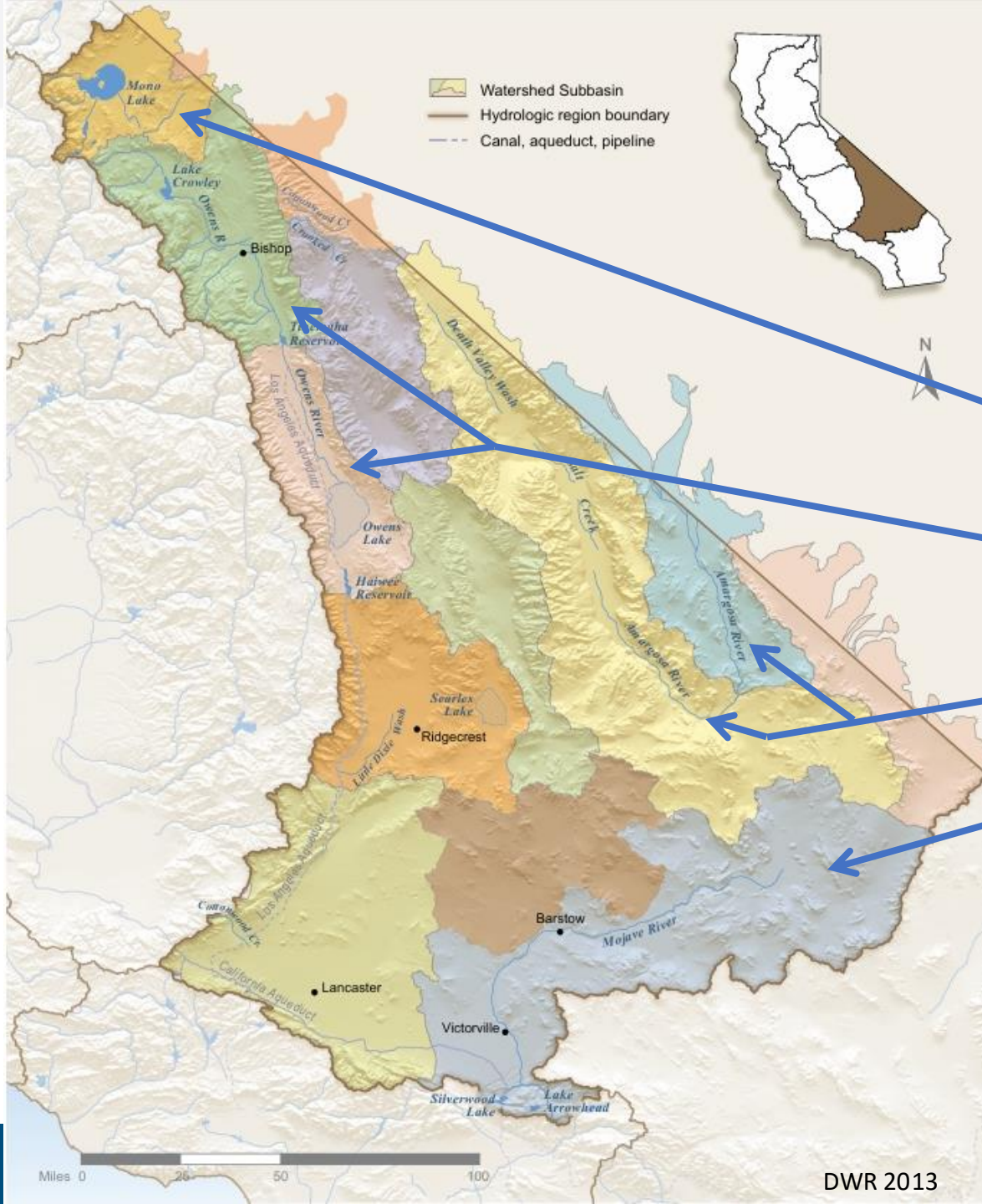
Honey and Eagle Lakes watersheds

Lake Tahoe/ Truckee River watersheds

Carson River watershed

Walker River watersheds

South Lahontan Watersheds



Mono Lake watershed

Owens River watershed

Amargosa River watershed

Mojave River watershed

Lahontan TBU Efforts – key dates

- 2018 Lahontan Triennial Review – Prioritizes Designation of TBUs
 - Comments from multiple Tribes and Tribal organizations
- 2021 TBU Definitions into Lahontan Basin Plan
- 2022 Lahontan Region Tribal Summit – TBU Designation Project
- 2022 Focus on Mono Lake for first basin planning effort



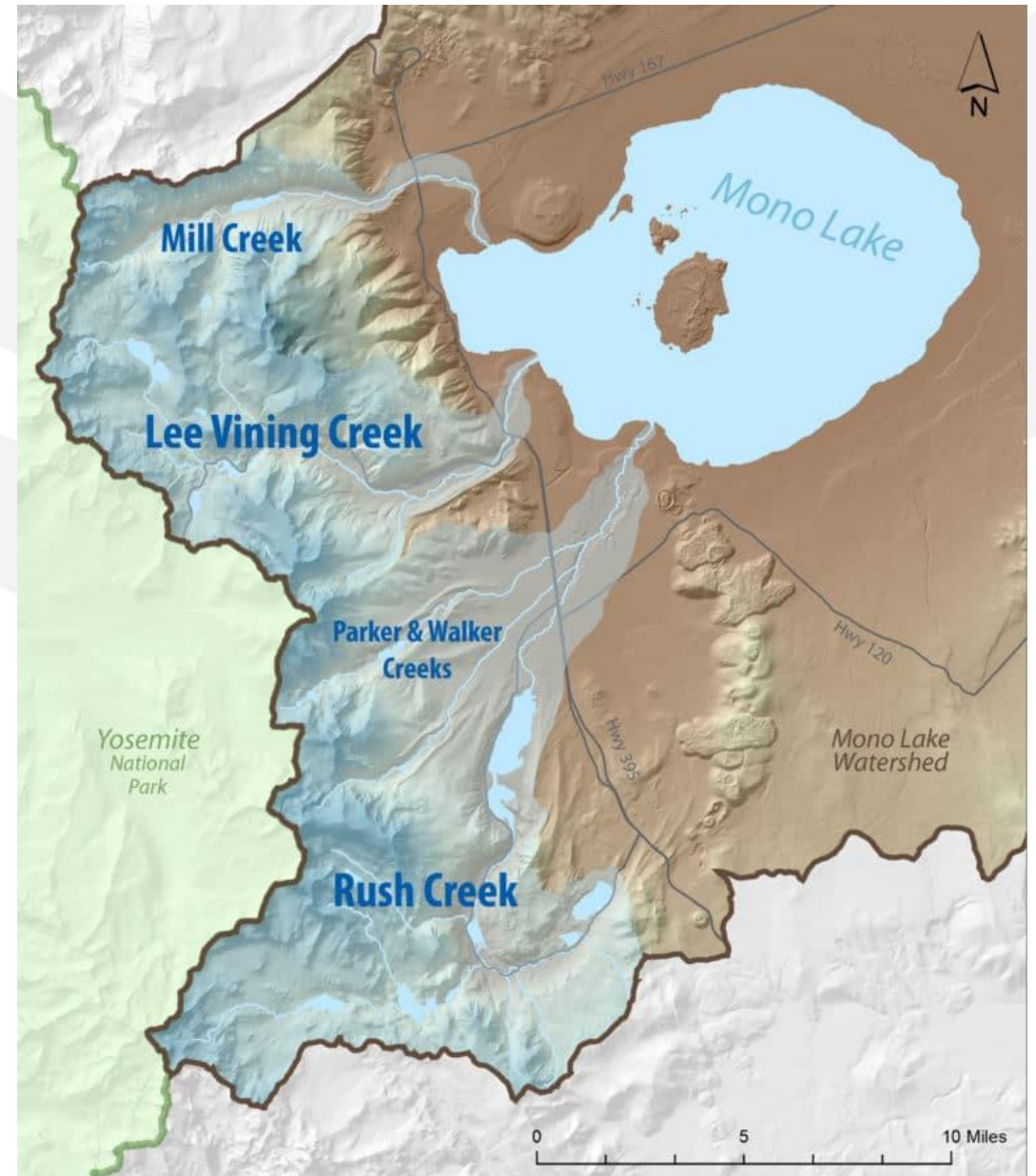
TBU Designation at Mono Lake and Tributaries

- 2022 Triennial Review comments and focus on Mono Basin CUL and T-SUB requests
- Draft Staff Report 2024
- CUL –information to support designation
- T-SUB – need for detail on tributaries
- April 2024 Public hearing
- Updated draft amendment: CUL focus
- Fall 2024 Proposed Basin Plan Amendment Postponed at request of Kootzaduka'a Tribe



Mono Lake: Proposed Approach

- Designate both CUL and T-SUB as *existing* beneficial uses currently occurring in Mono Lake.
- Designate CUL as *existing* beneficial uses currently occurring in the tributary streams and lakes.
- Designate T-SUB as a *probable future* beneficial use in the tributary streams and lakes.



Next Steps:

Mono Lake Designation

Other Waters, Other Tribes



- Meet monthly with Kootzaduka'a
- Draft Tribal Revitalization Plan (Probable Future Uses)
- Collate water quality data
- Update Staff Report
- Update Basin Plan Amendment documents; Public Comment

Next Steps:

Mono Lake Designation

Other Waters, Other Tribes

- Lake Tahoe, Truckee, and Carson River watersheds
- Owens River watershed
- Other Waterbodies
- Washoe Tribe of Nevada and California
- Owens Valley Tribes:
 - Bishop Paiute Tribe
 - Big Pine Paiute Tribe
- Potentially Interested Tribes
 - Bridgeport Indian Colony
 - Cedarville Rancheria
 - Susanville Indian Rancheria
 - Lone Pine Paiute Shoshone
 - Timbi-Sha Shoshone
 - Yuhaaviatam of San Manuel Nation
 - Others

Next Steps:

Mono Lake Designation **Other Waters, Other Tribes**

- Meeting with interested Tribal governments/ representatives
- Discussion of Guidance Documents
- Work with tribes to develop the scope of the designation efforts
- Collect information to support CUL and/or T-SUB Designations
 - Water quality data
 - Tribal documents or documentation
- Develop project documents

Talk to us; Hear from us

Project Contacts:

- Daniel Sussman, supervisor, daniel.sussman@waterboards.ca.gov, 530-542-5466
- Danny McClure, Tribal Coordinator, daniel.mcclure@waterboards.ca.gov, 530-542-5443
- Jacqueline Royer, project staff, jacqueline.royer@waterboards.ca.gov, 530-542-5435

Project website and email signup:

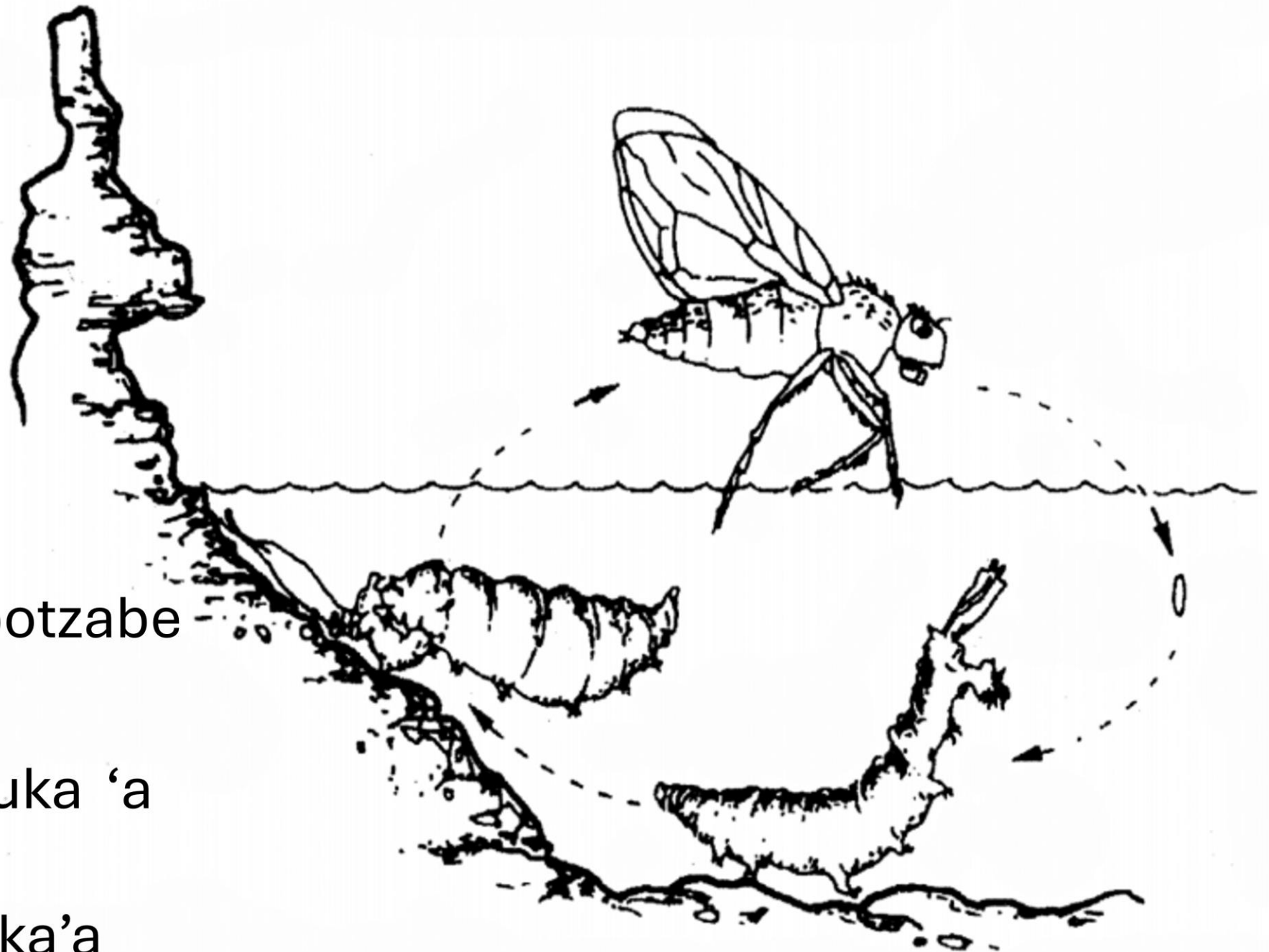
https://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/tribal-beneficial-uses.html

Dean Tonenna, Tribal Elder, Mono Lake Kootzaduka'a Tribe









Kootzabe

Kootza duka 'a

Kootzaduka'a





AD627354

URS 654-2

EXPLOSION-GENERATED WAVE TESTS
MONO LAKE, CALIFORNIA

GROUND AND AERIAL PHOTOGRAPHY

January 1966

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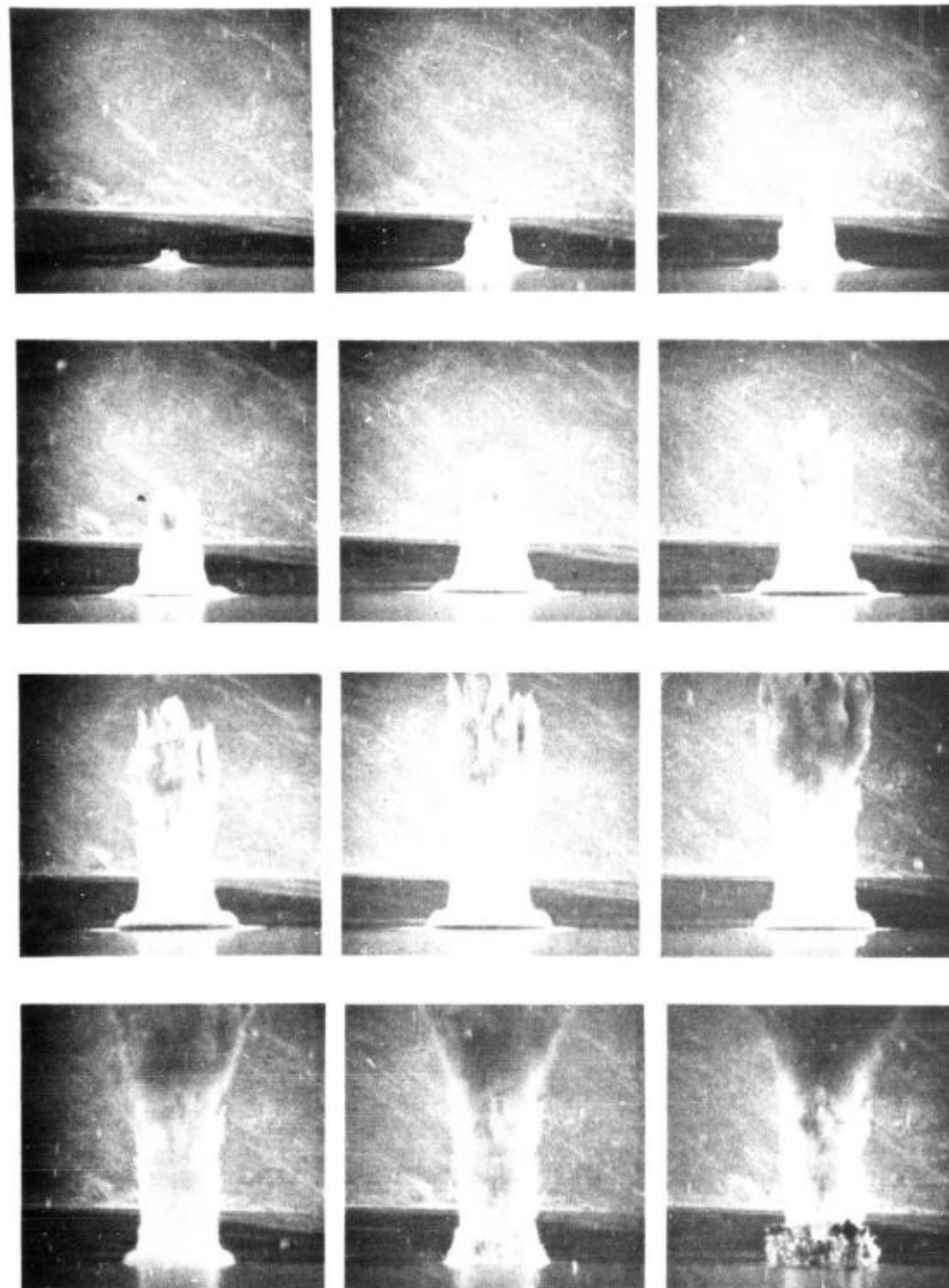


Fig. 7. 16-mm Frame Sequence, Shot 9 (Tower No. 3, -21 ft, Hycam)







Kootzaduka'a Paa Mabestean Tugwunae Tusootunaga'a



Tribal Beneficial Uses and the Bay-Delta Plan

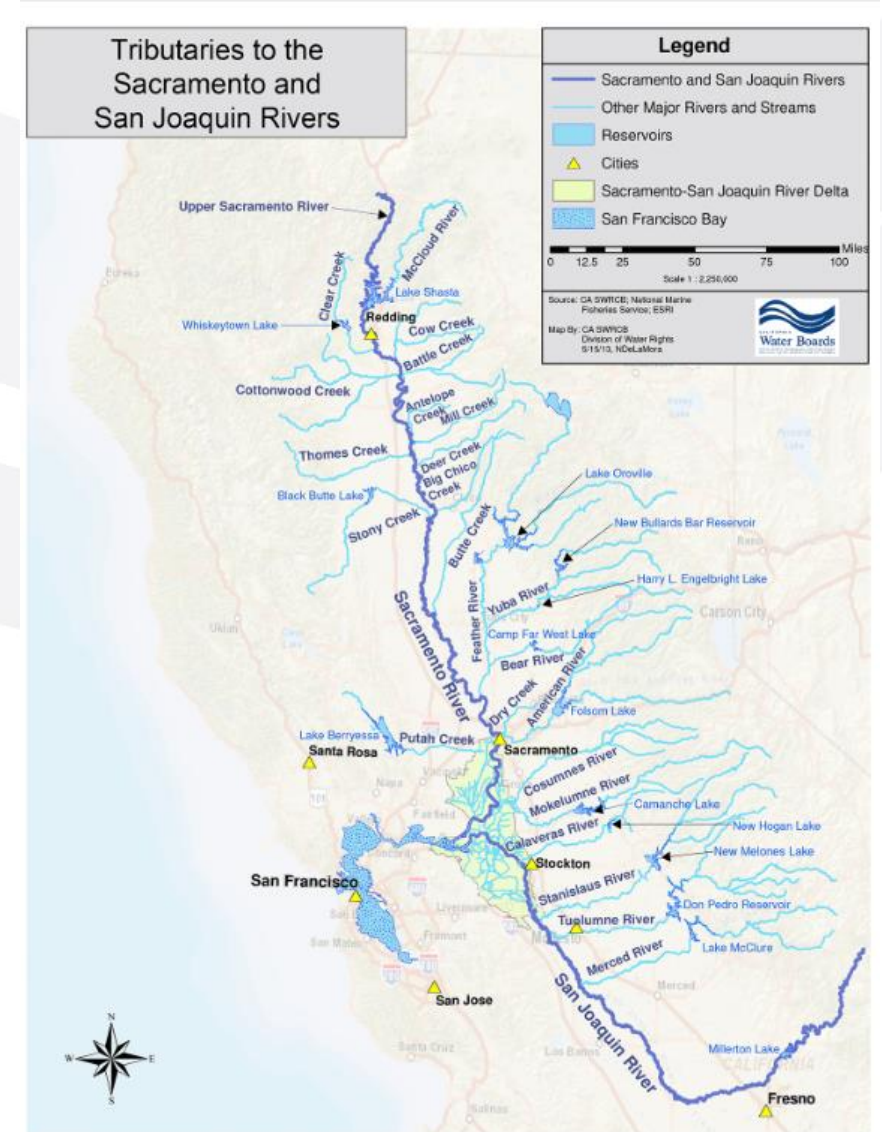
Robert McCarthy, Bay-Delta Tribal Coordinator
Division of Water Rights
Bay-Delta and Hearings Branch



State Water Resources Control Board

Bay-Delta Watershed

- Receives water from about 40% of California's land area and supports a wide variety of beneficial uses
- Crucial to State water supply
- Native aquatic species, such as Chinook salmon, white sturgeon, longfin smelt and Delta smelt reside in or migrate through the Bay-Delta watershed



Bay-Delta Plan

- Identifies beneficial uses, water quality objectives to protect uses, program of implementation, and monitoring provisions
 - Current beneficial uses: municipal & industrial, agricultural, fish & wildlife
 - Water quality objectives: narrative and numeric (primarily flow-dependent)
 - Program of implementation: actions by Board and others to protect beneficial uses and implement objectives, including flow and nonflow actions
 - Monitoring and evaluation to assess compliance and effectiveness of implementation actions
- Requires periodic review/triennial review

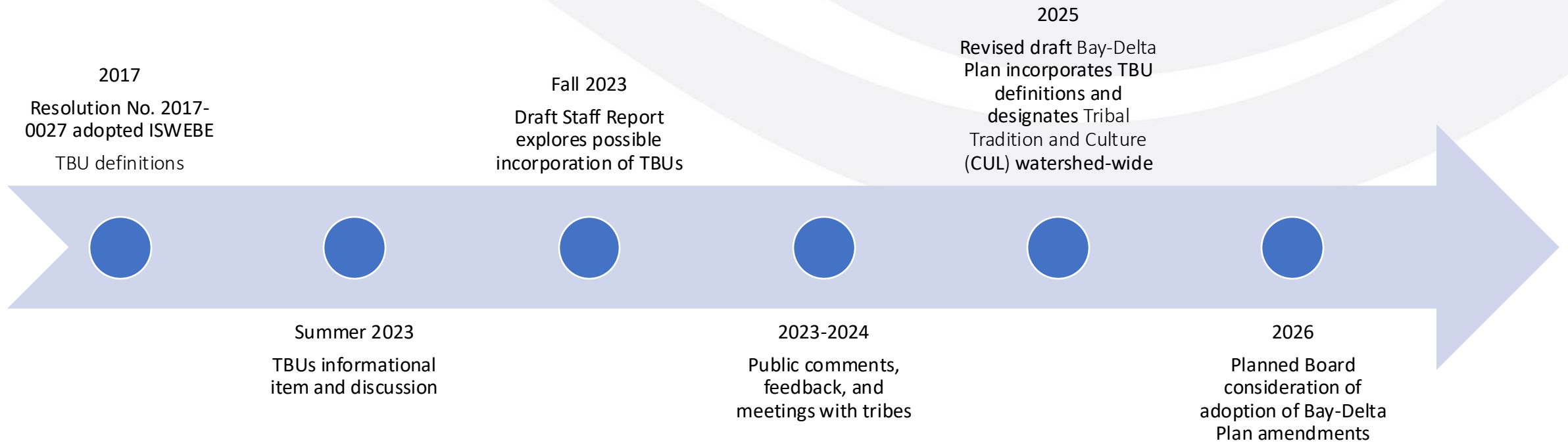
Water Quality Control Plan
for the
San Francisco Bay/Sacramento-San Joaquin Delta Estuary
December 12, 2018



Bay-Delta Plan Updates

- The Lower San Joaquin River and southern Delta Bay-Delta Plan update, adopted in 2018, addressed flows for the reasonable protection of fish and wildlife in the Lower San Joaquin River and salinity levels for the reasonable protection of southern Delta agriculture
- The Sacramento/Delta update will address reasonable protection of fish and wildlife in the Sacramento River watershed and interior Delta
- The most recently revised draft of the Plan released in December 2025 proposes to incorporate definitions of both Tribal Beneficial Uses (TBUs) and designate Tribal Tradition and Culture (CUL) beneficial use

Timeline of TBUs and the Bay-Delta Plan



Incorporation of TBUs into the Bay-Delta Plan

- December 2025 revised draft Bay-Delta Plan incorporates definitions of **Tribal Tradition and Culture (CUL)** and **Tribal Subsistence Fishing (T-SUB)** beneficial uses
- Designates CUL beneficial use for the spiritual and cultural connection to fish and wildlife, particularly salmon, that migrate throughout the watershed
- Chapter 13 of draft Staff Report includes an environmental analysis to support CUL designation, both for the proposed designation and to streamline future designations of other CUL activities

Designation of Tribal Tradition and Culture (CUL)

- TBU designation requested by Tribes
- CUL designation is based on substantial evidence provided to the State Water Board through tribal outreach and engagement efforts that the watershed supports the use
- CUL designation recognizes the centrality that vital fish populations, and particularly salmon, and aquatic life have for cultural, spiritual, ceremonial, and traditional rights and lifeways

Reasonable Protection of CUL

- Reasonable protection of CUL as it relates to tribes' cultural and spiritual connection to salmon overlaps with the reasonable protection of aquatic life beneficial uses forming the basis for implementation actions related to flow, water project operations, and physical habitat restoration in the Bay-Delta Plan
- Water quality control plans would need to be amended in the future to recognize other CUL tribal uses and activities where they occur within the Bay-Delta watershed and may need to consider new water quality objectives or site-specific discharge requirements to protect those other CUL tribal uses and activities

T-SUB Beneficial Use

- T-SUB is not designated in the 2025 revised draft Bay-Delta Plan for any waterbodies in the Bay-Delta watershed.
- T-SUB is specifically tied to the risks to human health from consumption of noncommercial fish or shellfish with higher health risks whereas the current Bay-Delta Plan update process is for the reasonable protection of fish and wildlife.
- A thriving native fish population, especially salmon, could support healthier fisheries; therefore, flow actions for the reasonable protection of fish and wildlife are related to the T-SUB beneficial use on the same waters.
- Implementation measures for the reasonable protection of fish and wildlife also will inure to the benefit of subsistence fishing by tribes and non-tribal communities.

Bay-Delta Plan Provisions for Input from Tribes

- The implementation of the Bay-Delta Plan includes annual and periodic review with regular opportunities for input from tribes
- The State Water Board will form, in conjunction with tribes, a Bay-Delta Tribal Advisory Group to provide input to the Board on the Bay-Delta Plan update and implementation
- Board to work with California Native American Tribes to incorporate Traditional Ecological Knowledge in Bay-Delta Plan implementation
- Healthy Rivers and Landscapes (HRL) participants must consider input from California Native American Tribes in decision making, the HRL Science Committee, and assessment of flow and non-flow habitat restoration measures

Contact Information

Sacramento/Delta Update to Bay-Delta Plan:
waterboards.ca.gov/bay_delta/comp_review.html

Proposed VAs:
waterboards.ca.gov/bay_delta/proposed_voluntary_agreements.html

Bay-Delta Watershed:
waterboards.ca.gov/bay_delta/

Please send any questions to
SacDeltacomment@waterboards.ca.gov

Or please contact the Tribal Coordinator for the
Bay-Delta Plan update and implementation
process: Robert McCarthy at
Robert.McCarthy@waterboards.ca.gov

Email Subscription List:
waterboards.ca.gov/bay_delta/



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Email Subscription List

Subscribe to the Bay Delta Notices email topic to receive notifications and the latest updates.

★Email Address

Submit

Feedback to the State Water Board on the Draft Guidance





Feedback from the Tribal Strategic Planning Caucus on the Draft Guidance

July 22, 2026



Guidance on Public Comments

How to Provide Comments Today

Comments from Tribal elected officials will be heard first, followed by general public comment.

To provide a comment:

- 1) Complete a virtual blue speaker card using the link below.
- 2) Wait for your name to be called.
- 3) Provide your comment for up to 3 minutes.

www.waterboards.ca.gov/board_info/remote_meeting/

Comments on Other Water Boards Project or Proceedings

What are Ex-Parte Communications?

- Discussions with Board Members about matters pending before the Board that occur outside the official public process.

How can I participate in those other processes?

- Public comment periods, Tribal consultation (where applicable), public workshops or hearings, written comments to the project teams.

What if I comment on another project or proceeding during today's TBU Workshop?

- Potential ex-parte communications, along with the commenter's name and organization, will be forwarded to the appropriate project team to support transparency in decision making processes.



Comments from Tribal Elected Officials



Public Comments