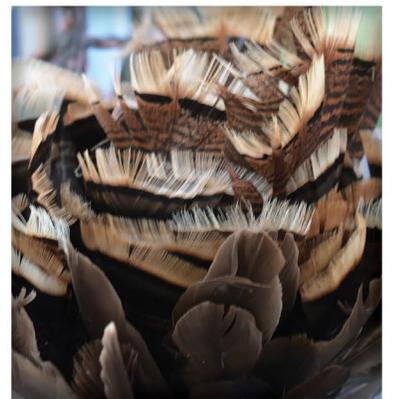
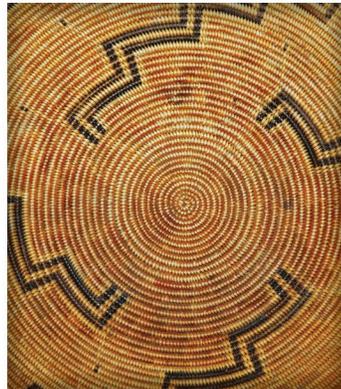


**WATER BOARDS**

# TRIBAL AFFAIRS

## 2023 ANNUAL REPORT



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## Introduction

Meaningful engagement with California Native American tribes is fundamental to the mission of the State Water Resources Control Board and the nine regional water quality control boards (collectively, the Water Boards). Collaboration and input from all Californian Native American tribes help the Water Boards advance decisions and policies that better protect the environment, public health, and beneficial uses by effectively managing California's water resources. Working with California Native American tribes holds a special value at the Water Boards because of our parallel relationship to the people we serve and because of tribes' traditional ecological knowledge and experience managing California's water sources since time immemorial.

In recent years, the Water Boards have achieved significant strides in environmental safeguards, with a pronounced focus on tribal beneficial uses. Joint efforts with tribes have played a pivotal role in safeguarding vital ecosystems like Clear Lake and the Scott and Shasta River watersheds. Collaborations with tribes have improved Water Boards data efforts and have expanded awareness of, and access to, safe and affordable drinking water for tribal communities.

This report serves as a dynamic snapshot, capturing the essence of the Water Boards' tribal engagement throughout 2023. It's not an exhaustive inventory but a glimpse into the collaborative initiatives shaping the water management landscape. For those eager to delve deeper into the details, program websites are provided, offering a more comprehensive exploration of the impactful work described herein.

## Tribal Consultations

The Water Boards reaffirm that collaboration and input from California Native American tribes through consultation on Water Boards rules, regulations, policies, and programs, helps advance decisions and policies that better protect California’s water resources. The following tables indicate the number of opportunities for tribal consultation on Water Boards programs, rules, and permits. In addition to the consultation opportunities tied to specific projects, the Water Boards also received and accepted requests from tribes to consult on subjects such as drinking water needs, water rights, and ecosystem and wildlife needs.

### Consultations Closed in 2023

Consultation Type	Project Title	Region, Division, Office
<b>State and regional policy, plan, resolution, or basin plan amendments</b>	Tribal Beneficial Use Designations	Central Valley-Region 5
	Onsite Wastewater Treatment Systems Policy and Conditional Waiver Renewal, statewide policy	Division of Water Quality
	2023-2025 Triennial Review, including TBU project	North Coast-Region 1
	Action Plan for the Russian River Watershed Pathogen Total Maximum Daily Load	North Coast-Region 1
<b>Waste Discharge Requirements (WDR) permits</b>	Waste Discharge Requirements for San Diego Bay shipyards, San Diego Bay	San Diego-Region 9
	General Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities	North Coast-Region 1
<b>Section 106</b>	Strategic Placement of Dredged Sediment Pilot, Eden Landing	San Francisco Bay-Region 2

	Golden State Water Company- Saxon Reservoir and Well Replacement Project, South San Gabriel	Division of Drinking Water
	Golden State Water Company- Roseton Plant New Tank and Booster Station Project, Artesia	Division of Drinking Water
	City of San Diego, Lakeside Valve Station Replacement	Division of Financial Assistance
	Section 106 Programmatic Agreements	Division of Financial Assistance
<b>AB 52 – California Environmental Protection Act (CEQA)</b>	Northern San Francisco waterfront investigation and cleanup of contaminated sediment	San Francisco Bay-Region 2
<b>Requested by Tribe</b>	Potential hearing regarding Mono Lake levels and tribal beneficial uses	Division of Water Rights

Consultation Opportunities open as of December 2023

Consultation Type	Project Title	Region, Division, Office
<b>State and/or regional policy, plan, resolutions, or basin plan amendments</b>	2023-2025 Triennial Review, TBU project	Los Angeles-Region 4
	2023-2025 Triennial Review, TBU project	Santa Ana-Region 8
	Basin plan amendment, TBU project	Colorado River-Region 7

	Tulare Lake Groundwater Basin – state intervention	Office of Research, Planning, and Performance
	Action Plan to address biostimulation in the Laguna de Santa Rosa watershed	North Coast-Region 1
	Scott River and Shasta River watersheds	Division of Water Rights
	Once Through Cooling Policy	Division of Water Quality
	Bay Delta Plan-Draft Staff Report	Division of Water Rights
	Tribal Water Data Initiatives Resource Development	Office of Information Management and Analysis
	SWAMP Bioaccumulation Monitoring Program Realignment	Office of Information Management and Analysis
	Clear Lake instream flow regulations	Division of Water Rights
	Racial Equity Action Plan	North Coast-Region 1
<b>Stormwater permit</b>	Draft permit for stormwater runoff from commercial, industrial, and institutional facilities in the Dominguez Channel/Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed	Los Angeles-Region 4
<b>401 Water Quality Certifications</b>	Point Molate Shoreline and Bay Trail	San Francisco Bay-Region 2
	Smith River Ranch Water Diversion	North Coast-Region 1

<b>Section 106</b>	Elsinore Valley Municipal Water District Avenues Septic to Sewer Project	Division of Financial Assistance
	City of Santa Cruz Newell Creek Pipeline Replacement - Felton/Graham Hill Project	Division of Financial Assistance
<b>AB 52 (CEQA) / RB lead for CEQA for cleanup site</b>	Cleanup Site- Former Berk Oil and Pacific Metal Craft site	Los Angeles- Region 4
	Relicensing of the McCloud-Pit Hydroelectric Project (Federal Energy Regulatory Commission Project No. 2106).	Division of Water Rights
<b>General Waste Discharge Requirements</b>	Order No. R1-2024-0002, General Waste Discharge Requirements and General Water Quality Certification for Rural Road Construction and Reconstruction in the North Coast Region	North Coast-Region 1
	General Order for Waste Discharge Requirements for Commercial Vineyards in the North Coast Region and Draft Environmental Impact Report	North Coast-Region 1

## Tribal Engagement and Priority Projects

In addition to the government-to-government consultations listed above, the Water Boards' regions, divisions, and offices have participated in extensive tribal outreach and engagement in 2023 in the form of staff-level meetings with tribal staff, email and mail communications, tabling at tribal-related events, and tribal-specific workshops on topics ranging from the Bay-Delta, SWAMP Freshwater Harmful Algal Bloom Program, tribal beneficial uses, drinking water solutions, and many more. The following are summaries of select tribal engagement efforts that took place in 2023.

### Clear Lake Chi

The Clear Lake hitch, or "chi," is a California threatened fish found only in Clear Lake and its tributaries. Several of the region's Pomo tribes rely on the hitch for spiritual purposes, traditions, and as a food source. The hitch population has been declining for some time and the recent record-setting droughts have exacerbated the decline. In December 2022, a coalition of tribes requested the State Water Board help address the extinction risk faced by the hitch. Shortly thereafter, the Lake County Board of Supervisors asked the Board to increase activities to stop illegal water diversions in the region and consider regulations to assure the continued viability of the hitch. In March 2023, The Governor issued [Executive Order N-5-23](#), which recognized that while conditions have improved in some parts of the State, other parts remain in drought, and continued State action is needed to address ongoing impacts of the drought emergency, including impacts to the hitch. Executive Order N-5-23 directs the Board and to evaluate minimum instream flows and other actions needed to protect the hitch, work with water users, tribes, and other parties on voluntary measure and consider emergency regulations to establish minimum instream flows.

The State Water Board is actively coordinating with tribes, local, state, and federal agencies, agricultural groups, and other interested parties to protect the hitch. In 2023, the Board has been focused on building relationships with tribes and community members, obtaining data to better understand the problem and potential solutions, encouraging local voluntary actions, enforcing water diversion rules and regulations, developing regulations to fill important data gaps, and implementing directives in Executive Order N-5-23. In September the Board issued 227 notices of violation, conducted 13 inspections, and issued one cease and desist order related to cannabis operations in Lake County. The Board also issued 18 notices of violation to surface water diverters in Lake County who failed to file their 2022 annual reports. This is in addition to the 46 notices of violation and 61 notices of potential violation issued in Lake County earlier this year. Additional investigations, outreach, and education are underway. In September, the Board released draft Emergency Information Order Regulations for the Clear Lake watershed, which would allow the Board to collect information from some or all water users, including groundwater pumpers, in the watershed to inform the Board's evaluation of how groundwater pumping and other water uses in the watershed may influence creek flows that are critical for hitch habitat and will assist the Board's efforts to protect the hitch. The Board held workshops on the emergency regulations in October and the comment period ended on October 31. The Board adopted the emergency regulations at its December 6 meeting.

More information and updates are available at: [waterboards.ca.gov/clearlakehitch/](https://waterboards.ca.gov/clearlakehitch/)

### Scott and Shasta Emergency Instream Flows

Instream flows were established in the Scott River and Shasta River watersheds under emergency drought regulations that lasted from August 30, 2021, until July 31, 2023. On May 23, 2023, the Karuk Tribe and other parties submitted a petition to the Board requesting permanent instream flows for the Scott River to protect declining salmon fisheries. The State Water Board held a hearing on August 15, 2023, to receive comments from interested parties on the petition, as well as the need for flows in the Shasta River watershed. The Board received numerous comments and directed staff to develop an emergency flow regulation for the Scott River and Shasta River watersheds, building on similar regulations adopted by the Board in 2021 and 2022. The Board also directed staff to research options for long-term instream flows.

On October 6, staff held a technical workshop at which invited speakers were asked to answer specific questions provided by Board staff related to the state of the fisheries, emergency flows, groundwater local cooperative solutions, and data. In the fall, CalEPA Secretary Garcia and several State Water Board members visited the watersheds and met with community members and tribes. The Division of Water Rights held a series of meetings in Montague on October 30<sup>th</sup> to solicit input on the Board's previous drought emergency regulation and impacts to the community. Additionally, on November 7<sup>th</sup> staff released a preliminary draft regulation for the Scott River and Shasta River watersheds that build on lessons learned and highlighted proposed updates to the previous regulations. A virtual public meeting was held on November 14<sup>th</sup> to provide an overview of the proposed updates and solicit comments on the preliminary draft regulation. The Board adopted the emergency regulation at its December board meeting.

More information and updates are available at: [bit.ly/ScottShasta](https://bit.ly/ScottShasta)

### Bay Delta Plan

The Division of Water Rights is currently working to update the Bay-Delta Plan focused on the Sacramento River and Delta tributaries. The Bay-Delta Plan is a State Water Board water quality control plan that identifies beneficial uses of water in the Bay-Delta watershed, water quality objectives for the reasonable protection of those beneficial uses, and a program of implementation to achieve those objectives.

The Division of Water Rights has designated a staff coordinator to engage with tribes within the Bay-Delta and has sent consultation notification letters to over 90 tribes. Division staff also held two tribal listening sessions to offer information on the Bay-Delta Plan and hear tribal input and feedback. The Board also held an informational item to hear feedback from tribal representatives and the public on the potential addition of tribal and subsistence fishing beneficial uses into the Bay-Delta Plan.

A draft staff report has been released and multiple staff workshops have been held to provide information and answer questions on the report from tribal representatives, environmental justice advocates and communities, and the public. Three public hearing days took place before the Board on November 17, December 1, and December 11. These public hearings were opportunities for tribes and the public to provide oral comments on the draft staff report. Written comments are due January 19, 2024.

More information and updates are available at: [bit.ly/BayDelta](https://bit.ly/BayDelta)

### Sustainable Groundwater Management Act

In March 2023, the Department of Water Resources determined groundwater sustainability plans for six subbasins to be inadequate, or not sufficient to meet the sustainability objectives outlined in the Sustainable Groundwater Management Act (SGMA). These subbasins include:

- Chowchilla Subbasin in Madera and Merced Counties
- Delta-Mendota Subbasin in San Joaquin, Stanislaus, Merced, Fresno, Madera, and San Benito Counties
- Kaweah Subbasin in Tulare and Kings Counties
- Tule Subbasin in Tulare County
- Tulare Lake Subbasin in Kings County
- Kern Subbasin in Kern County

These subbasins did not take sufficient action in their plans to address deficiencies in three key areas: groundwater levels, land subsidence, and water quality. When the Department of Water Resources finds deficiencies that preclude its approval of a plan, the State Water Board may temporarily step in to manage the basin through the process of "state intervention." This process would begin if the State Water Board, at a public hearing, designates the basin "probationary" after substantial public notice. If the Board designates the basin probationary, the Board identifies the plan's deficiencies and actions that local groundwater sustainability agencies could take to address the deficiencies.

At the June 21 board meeting, the State Water Board staff provided an update about the state intervention process. Staff recommended prioritizing probationary hearings in subbasins where there are expected to be imminent impacts to water users and infrastructure, or potential for substantial impacts to water users and infrastructure, without a clear timeline or pathway to address those issues. Staff proposed starting with the Tulare Lake, Tule, and Kaweah groundwater basins, due to concerns about impact to drinking water wells and infrastructure damage, followed by Kern County, Delta-Mendota, and Chowchilla, and presented a tentative schedule for probationary hearings. Prior to the hearings, staff will issue a public notice, hold public workshops, and accept public comments. Tribes that are located within the boundaries of a groundwater basin whose plan has been deemed as inadequate will receive letters from the State Water Board with the opportunity to consult. On November 8, the State Water Board members and staff held a workshop in Hanford to present in the

Tulare Lake Basin state intervention process. And at the December 19 board meeting, staff provided an updated schedule and additional information, including about engagement.

More information and updates are available at: <https://waterboards.ca.gov/sgma/>

## SWAMP Harmful Algal Bloom Monitoring Partnerships

### Pre-Holiday Assessments

In 2023, the Surface Water Ambient Monitoring Program's (SWAMP) Statewide Freshwater and Estuarine Harmful Algal Bloom (FHAB) Program partnered with the Big Valley Band of Pomo Indians and Big Lagoon Rancheria to sample at locations around Clear Lake and Stone Lagoon, respectively, prior to each of the pre-holiday assessments. Also, partnerships with the Kuruk and Yurok tribes in the Klamath River Basin resulted in monitoring prior to each of the pre-holiday assessments to collect samples when a bloom was present.

For more information, visit the [SWAMP FHAB Pre-Holiday Assessment Webpage](#).

### Partner Monitoring Program

In 2023, Big Lagoon Rancheria partnered with the FHAB Program to collect bi-weekly samples at one Big Lagoon location from April – October 2023. The FHAB Program then paid for samples to be analyzed for four toxins (microcystin, anatoxin-a, cylindrospermopsin, saxitoxin). Data were shared with the Tribe and used to inform public health postings at Big Lagoon.

For more information, visit the [FHAB Program Webpage](#).

## SWAMP Bioaccumulation Monitoring Program Realignment

### San Diego Region Realignment (2021-2023)

From 2021-2023 the San Diego Region Advisory Committee, comprised of representatives from tribal governments and community-based organizations, held seven advisory committee meetings (two of which were held in 2023) and informed the development of the following products:

- [Monitoring and Analysis Workplan](#) (developed in 2021 to inform monitoring conducted in 2022)
- [Communication and Outreach Plan](#) (2023)
- Data Report and accompanying data packages and visualizations summarizing 2022 Monitoring Results (to be finalized in 2024)

## San Francisco Region Realignment (2024-2026)

In 2024, the three-year Realignment Process will begin in the San Francisco Region, and will complement other efforts such as regional monitoring plans, fish consumption advisory development, and the Region's [tribal beneficial use designation process](#). In April 2023, the Realignment Team (co- led by staff from the Statewide Bioaccumulation Monitoring Program and the San Francisco Regional Board), sent engagement letters to 38 tribes in the Region; letters were followed up with emails and phone calls. In early 2024, the Realignment Team will send out letters and emails inviting tribes and community-based organizations interested in bioaccumulation, fish advisory development, and statewide or regional bioaccumulation monitoring efforts to attend a series of advisory workshops.

For more information, visit the [Program Realignment Webpage](#).

## Tribal Water Data Initiatives

In 2023, the Office of Information Management and Analysis (OIMA) and tribal partners co-developed a Tribal Water Data Map and User Manual as part of a series of tribal water data initiatives to build relationships and work together to better understand, streamline, and improve the interactions between Water Board data systems and those of tribal government partners.

Both resources will continue to be co-developed and improved with tribal partners. OIMA also regularly gives presentations and receives critical feedback from the California Issues Workgroup of the US EPA Region 9 Regional Tribal Operations Committee (RTOC).

For more information, explore the [Tribal Water Data Map](#) and [User Manual](#), or visit the [Tribal Water Data Initiatives](#).

## Updating Contact Information for California Tribes

The Native American Heritage Commission (NAHC) is the primary government agency responsible for identifying and cataloging tribal cultural resources, sacred lands, and Native American graves. As such, California agencies, including the Water Boards, are required to coordinate with the Native American Heritage Commission to obtain a list of tribes whose tribal cultural resources or sacred lands are located within proposed project boundaries. The Native American Heritage Commission then conveys the list of tribes and their contact information back to staff who have requested that information. Tribal contact information is outdated and needs to be updated. To support the important work of our partner agency, the Office of Public Participation is partnering with the Native American Heritage Commission to do a coordinated outreach to tribes to update their contact information. Over 80 tribes have provided updated contact information to date.

For more information or to inquire about updating your Tribe's contact information, please email the Native American Heritage Commission at [NAHC@nahc.ca.gov](mailto:NAHC@nahc.ca.gov).

## Support for Expedited Restoration of the Klamath River

The Yurok Tribe is leading restoration efforts to mitigate impacts to the Klamath River Watershed resulting from the 2022 McKinney Fire in Siskiyou County. The Yurok Tribe is leading the McKinney Post-Fire Restoration Team which includes partners such as Karuk Tribe, Mid-Klamath Watershed Council, Watershed Research and Training Center, County of Siskiyou, and others, as appropriate. On July 30, 2022, Governor Newsom proclaimed a state of emergency in Siskiyou County due to the McKinney Fire, and other fires. On September 16, 2022, Governor Newsom issued an Executive Order N-17-22 (Executive Order) suspending state statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency and the California Natural Resources Agency to the extent necessary to expedite the removal and cleanup of debris from these fires, or to address other impacts associated with that debris, for implementing any restoration plan, or conducting other fire recovery activities (Wildfire Recovery Activities).

Executive Order N-17-22 authorizes individuals who desire to conduct Wildfire Recovery Activities under this suspension to request that the appropriate agency secretary, or the secretary's designee, make a determination that the proposed Wildfire Recovery Activities are eligible to be conducted under this suspension. Executive Order N-17-22 requires that any Wildfire Recovery Activities performed under the suspension be in accordance with the State Environmental Protection Plan or a comparable plan describing how such actions will balance expeditious wildfire recovery and environmental protection.

The Yurok Tribe made a request to the Secretaries of the California Environmental Protection Agency and the California Natural Resources Agency to conduct Wildfire Recovery Activities. The State Water Board and North Coast Regional Water Board supported the Secretaries consideration of this request by working with the California Environmental Protection Agency, the California Natural Resources Agency, the California Department of Fish and Wildlife, and the Governor's Office of Emergency Services to develop an Environmental Protection Plan, which specifies methods intended to allow the Wildfire Recovery Activities to continue without delay while still preserving the intent of the suspended laws and protecting the environment. In September 2023, the secretaries of the California Environmental Protection Agency and the California Natural Resources Agency authorized the Yurok Tribe's requested suspensions in order to ease otherwise applicable procedural requirements, including notice and fee provisions that would delay the Wildfire Recovery Activities.

## Tribal Beneficial Uses

The Water Boards recognize and value tribes' traditional ecological knowledge and historic experience with managing California's water resources since time immemorial. Since time immemorial, California Native American tribes have used California's waterbodies to support their cultural, spiritual, ceremonial, and/or traditional practices and rights. For many years, California Native American tribes advocated to the Water Boards that the existing beneficial use categories do not adequately reflect water uses specific to tribes, highlighting that tribal members may have increased risks of toxin exposure. In response to this concern, California Native American tribes reached out to partner with the State Water Resources Control Board (State Water Board) and together created definitions for two new beneficial use categories, known as Tribal Beneficial Uses (TBUs). Tribal Beneficial Uses provide a water quality safety measure that considers the specific uses of water by individuals, households, or communities of California tribes.

For more information, visit: [bit.ly/TribalBeneficialUses](https://bit.ly/TribalBeneficialUses)

## Summary of Statewide Tribal Beneficial Uses Efforts

The nine regional water boards are all at different stages of working with tribes to protect water quality for tribal tradition, culture, and subsistence fishing. The following is a summary of tribal beneficial uses progress statewide:

- Regions that identified tribal beneficial uses project as a priority in either a triennial review or similar resolution:
  - Region 5 - Central Valley triennial reviews (2018 & 2021)
  - Region 4 - Los Angeles triennial review (2023)
  - Region 2 - San Francisco Bay triennial review (2021)
  - Region 9 - San Diego triennial review (2021)
  - Region 6 - Lahontan triennial review (2022)
  - Region 3 - Central Coast Racial Equity Resolution No. R3-2023-0002 (2023)
  - Region 1 - North Coast triennial review (2023)
  - Region 7 – Colorado River Basin Triennial Review (2020 and 2023)
- State Water Board approved adoption of tribal beneficial uses definitions for:
  - Region 9 - San Diego Regional Water Board (2021)
  - Region 6 - Lahontan Regional Water Board (2021)
  - Region 4 - Los Angeles Regional Water Board (2022)
  - Region 5 - Central Valley Regional Water Board's Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan (2022)

Moving into 2024, the following describes the focus of future engagement on tribal beneficial uses:

- Engaging with tribes on triennial review:
  - Region 1 - North Coast Regional Water Board
  - Region 8 - Santa Ana Regional Water Board
  
- Engaging with tribes to adopt tribal beneficial uses definitions:
  - Division of Water Rights: Bay-Delta Plan
  - Region 2 - San Francisco Bay Regional Water Board
  - Region 3 - Central Coast Regional Water Board
  - Region 7 - Colorado River Regional Water Board
  
- Engaging with tribes to designate waterbodies:
  - Region 2 - San Francisco Bay Regional Water Board
  - Region 4 - Los Angeles Regional Water Board
  - Region 5 - Central Valley Regional Water Board
  - Region 6 - Lahontan Regional Water Board
  - Region 9 - San Diego Regional Water Board

Region / Division	Current Status
Region 1—North Coast	In 2003, the State Water Board approved the North Coast Regional Water Board’s definitions that protect Native American Culture and Subsistence Fishing. These definitions were developed in partnership with tribes within the North Coast and predate the tribal beneficial use definitions adopted by the State Water Board in 2017. The 2023 Triennial Review Draft Staff Report reaffirms the priority status of tribal beneficial uses and is scheduled for a North Coast Regional Water Board Hearing in April 2024. The North Coast Region is currently working to collaborate with tribes to provide input and guidance on whether existing North Coast Regional Water Board or State Water Board definitions would better serve their needs.
Region 2—San Francisco Bay	The San Francisco Bay Regional Water Board’s 2021 Triennial Review identified tribal and subsistence beneficial uses designations as a priority project for the next three years. Five tribes submitted letters of support during the Triennial Review and five tribes have consulted with the San Francisco Bay Regional Water Board. Currently working to engage with tribes and adopt tribal beneficial use definitions into the basin plan. A draft tribal cultural use basin plan amendment is expected by the end of the calendar year 2024.

<p>Region 3—Central Coast</p>	<p>The Central Coast Regional Water Board adopted <a href="#">Racial Equity Resolution No. R3-2023-0002</a> which directs staff to prioritize the process to adopt Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses into the Water Quality Control Plan for the Central Coast Basin. The Central Coast Regional Water Board is working to adopt the tribal beneficial use definitions into the basin plan in spring 2024. The Central Coast Regional Water Board is conducting additional, focused outreach to tribes to build relationships, prior to Regional Water Board consideration of adoption.</p>
<p>Region 4—Los Angeles</p>	<p>The Los Angeles Regional Water Board’s adoption of tribal beneficial use definitions into the Region’s basin plan was approved by the State Water Board and Office of Administrative Law on October 18, 2022, and April 3, 2023, respectively. The Los Angeles Region is currently consulting with tribes and expanding tribal engagement throughout the region.</p>
<p>Region 5—Central Valley</p>	<p>The Central Valley Regional Water Boards’s adoption of Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing beneficial use definitions into the Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan was approved by State Water Board on September 7, 2022. Staff submitted the tribal beneficial uses definitions Administrative Record to the Office of Administrative Law on October 30, 2023 and upon approval will be submitted to U.S. EPA for review and approval. The Central Valley Region is continuing to consult with individual tribes who submitted, or are planning to submit, tribal beneficial use designation requests and will continue to host semi-annual, tribal-only project update meetings.</p>
<p>Region 6—Lahontan</p>	<p>The Lahontan Regional Water Board incorporated tribal beneficial use definitions into the Region’s basin plan in 2021. Designating tribal beneficial uses was assigned a high priority for the 2022 Triennial Review. A basin plan amendment to designate tribal beneficial uses in the Mono Lake Basin is being developed in coordination with the Mono Lake Kutzadika’a and other local tribes. Staff held a California Environmental Quality Act (CEQA) scoping meeting on February 9, 2023, to receive input on the scope of the environmental analysis for the Mono Lake basin tribal beneficial use designations. In December 2023, Lahontan Regional Water Board staff held two tribal listening session (hosted by the Bishop Paiute Tribe) to discuss progress and challenges in developing tribal beneficial uses. The first listening session was with the members of the Mono Lake Kutzadika’a Tribe and focused on progress and challenges in developing the Mono Lake Basin tribal beneficial use designations. The second listening session included members of the Mono Lake Kutzadika’a, the Bishop Paiute Tribe, Big Pine Paiute Tribe, and the Lone Pine Paiute Tribe and included discussion on the Mono Lake Basin tribal beneficial use designations as well as future tribal beneficial use designations outside of the Mono Lake</p>

	Basin. The Lahontan Regional Water Board will hold a public hearing to consider a basin plan amendment designating tribal beneficial uses for Mono Lake and its tributaries in the Mono Lake Basin in 2024.
Region 7—Colorado River	The Colorado River Regional Water Board is currently working to engage with tribes and adopt tribal beneficial uses definitions into the Region’s basin plan. The basin plan amendment is currently being drafted by staff. Tribal consultation letters for the basin plan amendment were sent out in July 2023 and one tribal consultation was conducted.
Region 8—Santa Ana	The Santa Ana Regional Water Board’s 2024 Triennial Review is currently in progress. The Santa Ana Region plans to adopt tribal beneficial uses definitions into the Region’s basin plan and engage with tribes as part of the basin plan amendment process.
Region 9—San Diego	The San Diego Regional Water Board’s 2021 Triennial Review prioritized designating waters with tribal beneficial uses as a priority project. In 2021, State Water Board approved adoption of tribal beneficial uses definitions for San Diego Regional Water Board Basin Plan. A Tribal Beneficial Uses Work Group consisting of tribal representatives and San Diego Regional Water Board staff have met monthly in 2023 to work on designating San Diego region surface waters with CUL and T-SUB uses.
Division of Water Rights—Bay Delta Plan	Incorporation of tribal beneficial uses were included as part of the Draft Staff Report in support of proposed updates to the Bay-Delta Plan for the Sacramento/Delta. Release of the report initiates a public comment period on the Draft Staff Report and possible incorporation of tribal beneficial uses into the Bay-Delta Plan. Tribal panel presentations provided input and feedback directly to the Board on the first day of public hearing, November 17, 2023. The comment period closes on January 19, 2024.

## Safer Drinking Water for Tribes

In 2019, to advance the goals of the Human Right to Water, California passed Senate Bill 200 (SB 200), which enabled the State Water Board to create the Safe and Affordable Funding for Equity and Resilience (SAFER) Drinking Water Program. The SAFER drinking water program was established to ensure Californians who lack safe and affordable drinking water receive it as quickly as possible, and that the water systems serving them establish sustainable solutions. The State Water Board recognizes the sovereignty of California Native American tribes and understands that tribes face unique challenges to providing clean, safe, and affordable drinking water to their communities. Although federally regulated tribal water systems are regulated by the U.S. Environmental Protection Agency and not by the State Water Board, we recognize there are federal funding gaps that the SAFER drinking water program could support and are actively working with tribes and state and federal partners to address tribal drinking water needs.

For more information, visit [waterboards.ca.gov/safer/](https://waterboards.ca.gov/safer/)

### Tribal Drinking Water Needs Assessment

The annual Drinking Water Needs Assessment (Needs Assessment), required to be carried out by the SAFER program, provides foundational information and recommendations to guide the SAFER program and the annual Fund Expenditure Plan. The 2023 Needs Assessment includes a chapter describing an understanding of tribal drinking water needs. This tribal chapter was developed in collaboration with Indian Health Services (IHS), US Environmental Protection Agency (U.S. EPA), and the Department of Water Resources (DWR).

The chapter covers (1) tribal drinking water background (2) U.S. EPA assessment of tribal water systems (3) identification of federal funding gaps for tribal drinking water needs, and (4) description of planned engagement with tribes. State Water Board worked with U.S. EPA to apply the expanded failing water system criteria to the 143 tribal water systems that U.S. EPA regulates. U.S. EPA assessed those 143 tribal water systems for the same indicators that were applied to state regulated public water systems and determined that 17 tribal community water systems met the criteria for a failing water system. The State Water Board is partnering with U.S. EPA and IHS to respond to the needs of these 17 tribes and is currently meeting with seven of these tribes. Through the State Water Boards' on-going collaboration with U.S. EPA, IHS, and DWR, the group has collectively identified several federal funding gaps that the SAFER program could address to support safe and affordable drinking water for tribal communities.

The tribal chapter of the Needs Assessment can be found as [Appendix A.1 in the SAFER 2023-24 Fund Expenditure Plan](#).

## Safer Drinking Water for Utu Utu Gwaitu Paiute Tribe

In June 2023, the State Water Board committed more than \$152,000 to support operational assistance and an interim solution for the Utu Utu Gwaitu Paiute Tribe in Mono County to address elevated arsenic in wells on the Benton Reservation. The SAFER funding will ensure the Tribe has access to safe and affordable drinking water while a long-term solution is developed through a well-drilling and treatment project lead by the Indian Health Service (IHS) with possible additional funding from federal partners. The water system, which serves 107 people, currently deploys point-of-use reverse osmosis devices to remove arsenic in each household, though it has no overall treatment process. This funding will help support the Tribe's consistent management and maintenance of the point-of-use system to health-based drinking water standards. As part of its funding agreement with the Tribe, the board has committed to pay half the salary for four years of a water system operator with expertise in managing the point-of use system while the sustainable solution is implemented. The board's funding will also cover the costs of installing or replacing devices, as well as ongoing operations and maintenance, including water quality testing and filter replacement. Indian Health Service expects the new well and treatment infrastructure to be completed within three years, after which point-of-use devices will no longer be necessary. The board's funding will retain the operator for an additional year, during which time the operator can complete all required certifications to run the new water system. At the end of that year, with the new infrastructure in place and certifications complete, the Tribe will have a sustainable water system that requires only an operator's salary and a normal operation-and-maintenance budget. This is the first operations and maintenance tribal project funded by the SAFER program and is an example of the unique ways the SAFER program is collaborating to help address federal funding gaps.

For more information, review this project's [Press Release](#)

## Section 106 Programmatic Agreements

The United States Environmental Protection Agency (U.S. EPA) and the State Water Board, in consultation with the California State Historic Preservation Officer and the Advisory Council on Historic Preservation, are proposing to develop two new statewide programmatic agreements, one for the Clean Water State Revolving Fund Program and one for the Drinking Water State Revolving Fund Program. Each new programmatic agreement will guide compliance with Section 106 of the National Historic Preservation Act under 36 Code of Federal Regulations Part 800.

Development of these agreements requires consultation with various consulting parties, including California Native American tribes. Tribes were notified of the intent to develop these agreements in December 2022 and provided an opportunity to consult on their development. A tribal meeting was held in June 2023, where the proposed agreements were discussed, and comments were collected. To date, two tribes have requested consultations with U.S. EPA and State Water Board to discuss the proposed agreements. Ten additional tribes have requested to be kept notified as the agreement development process continues. There will be future tribal workshops, consultation opportunities, and opportunities to review and comment on the draft agreements currently under development.

For more information, visit: [bit.ly/Section106ProgrammaticAgreements](https://bit.ly/Section106ProgrammaticAgreements)

### Summary of Funded Projects Benefiting Tribes

The following table lists executed funding agreements supporting tribal drinking water, wastewater, and stormwater projects:

Date	Community Name	Type of Assistance	Project Type	Amount
9/2/2014	Yurok Tribe: Bottled Water Program	Bottled Water	Drinking Water	\$62,234
1/10/2017	Big Sandy Rancheria of Mono Indians (DW)	Technical Assistance	Drinking Water	\$9,149
1/10/2017	Big Sandy Rancheria of Mono Indians (WW)	Technical Assistance	Wastewater	\$8,929
1/12/2017	Round Valley Indian Tribes of the Round Valley Reservation	Technical Assistance	Drinking Water	\$11,496
1/31/2017	Hoopa Valley Public Utilities District	Technical Assistance	Drinking Water	\$38,780
4/14/2017	Torres Martinez Desert Cahuilla Indians	Technical Assistance	Drinking Water	\$6,575
4/17/2017	Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony (DW)	Technical Assistance	Drinking Water	\$56,210
6/22/2017	Pit River XL Rancheria	Technical Assistance	Drinking Water	\$5,009
6/22/2017	San Pasqual Band of Diegueno Mission Indians of CA (DW-A)	Technical Assistance	Drinking Water	\$8,086
6/23/2017	Chemehuevi Indian Tribe of the Chemehuevi Reservation, California	Technical Assistance	Drinking Water	\$3,908

7/20/2017	Fort Bidwell Reservation	Technical Assistance	Drinking Water	\$6,250
10/6/2017	Cold Springs Rancheria	Technical Assistance	Drinking Water	\$1,490
10/6/2017	Tule River Indian Reservation	Technical Assistance	Drinking Water	\$4,976
10/6/2017	North Fork Rancheria of Mono Indians of California	Technical Assistance	Drinking Water	\$2,175
7/5/2018	Tolowa Dee-ni Nation	Planning	Wastewater	\$419,530
8/9/2018	Trinidad Rancheria	Construction	Stormwater	\$1,215,550
3/22/2019	Redwood Valley Rancheria	Technical Assistance	Drinking Water	\$4,114
8/22/2019	Big Sandy Rancheria of Western Mono Indians of California	Planning	Wastewater	\$416,162
10/1/2019	Hoopa Valley Public Utilities District	Planning	Wastewater	\$386,200
3/18/2020	Indian Health Service	Construction	Drinking Water	\$289,490
5/11/2020	Morongo Band of Mission Indians	Technical Assistance	Drinking Water	\$2,389
7/2/2020	Los Coyotes Band of Indians	Technical Assistance	Drinking Water	\$2,902
2/25/2021	Big Valley Band of Pomo Indians of the Big Valley Rancheria (DW)	Technical Assistance	Drinking Water	\$12,295
6/10/2021	Oasis Mobile Home Park	Hauled Water	Drinking Water	\$66,279

8/9/2021	lone Band of the Miwok Indians	Technical Assistance	Drinking Water	\$311,341
9/30/2021	Tule River Indian Reservation	Technical Assistance	Drinking Water	\$84,836
9/30/2022	Oasis Mobile Home Park	Bottled Water	Drinking Water	\$144,276
6/13/2023	Utu Utu Gwaitu Paiute Tribe	Operations and Maintenance	Drinking Water	\$158,315

## Tribal Conferences and Presentations

### California Tribal Nations Summit | February 2023

The California Tribal Nations Conference provides a forum for state cabinet officials to engage directly with California tribal officials to shape and update the policy priorities of the state of California regarding California Native Americans and tribal governments. CalEPA Secretary Garcia and State Water Board Chair participated at this important event and the State Water Board had an exhibitor table to engage with representatives directly.

### Tribal Water Summit | April 2023

In April, the State Water Board participated in the Tribal Water Summit hosted by the Department of Water Resources. The Tribal Water Summit is held every five years with the purpose of bringing together tribal leaders, water managers, and community members to discuss the critical issues surrounding water management on tribal lands. The Water Boards staff, including Board member Firestone, participated as presenters and panelists at the event. Presentations included opening remarks by Board Member Firestone and breakout sessions on tribal water rights, tribal beneficial uses, and utility relicensing and permitting.

### California Environmental Protection Agency Tribal Advisory Committee | September 2023

The California Environmental Protection Agency Tribal Advisory Committee held its first in person meeting in several years on September 12-13, at the Hoppa Valley Reservation in Humboldt County. The Tribal Advisory Committee has eight members from various tribes throughout the State and informs the California Environmental Protection Agency and its boards, divisions, and offices on policies and procedures relevant to tribal communities and governments.

For more information, visit: [calepa.ca.gov/tribal/committee/](https://calepa.ca.gov/tribal/committee/)

### 56<sup>th</sup> Native American Day, Cultural Heritage Pavilion | September 2023

Native American Day is a state-wide event held at the State Capitol, honoring California tribes. The event includes a day long agenda of cultural dancers, singers, flag ceremony, and honoring elders. Office of Public Participation coordinates the Cultural Heritage Pavilion wherein more than ten cultural practitioners shared their cultural practices, including tule boat making, bear grass braiding, basket weaving, language revitalization, rawhide, etc. with over 4,500 event attendees. This event is held on the third Friday of September and is coordinated by the California Tribal Chairman's Association, Native American Heritage Commission, and supported by numerous tribes and state agencies.

## Water Quality Coordinating Committee | October 2023

On an annual basis, the Water Quality Coordinating Committee brings together all board members from the State and regional water boards to receive training, provide updates, and to discuss challenges and areas of coordination. This year, the Water Quality Coordinating Committee included a discussion on tribal beneficial uses. The discussion focused on the process for designating tribal beneficial uses and an update from the Lahontan Regional Water Board and the Kutzadika Tribe on their efforts to designate Mono Lake with tribal beneficial uses.

## Tribal and U.S. EPA Region 9 Conference | October 2023

In October 2023, the Water Boards sent a delegation of 25 attendees, including State Water Board Chair, to attend the Tribal and U.S. Environmental Protection Agency Region 9 Conference in Alpine. This yearly conference plays a vital role in fostering relationships between the Water Boards, tribal partners throughout the state, and partners from federal and state agencies.

The Water Boards hosted a workshop on tribal beneficial uses at this year's conference. The workshop provided a background on tribal beneficial uses, how they are designated and highlighted the collaboration between regional water boards and their tribal partners. The workshop included a panel presentation of staff from the Central Valley and San Diego regional water boards, and three tribal partners representing the Pala Band, Buena Vista Rancheria, and Shingle Springs. The panel presented on the efforts by regional water board staff and local tribes to collaborate on the designation of tribal beneficial uses. The workshop was attended by over 70 attendees and included an animated question and answer session. Review the workshop [recording](#).

The Office of Information Management and Analysis and the Big Valley Band of Pomo Indians co-presented a workshop on the Tribal Water Data [Map](#) and [User Manual](#) as part of a series of [Tribal Water Data Initiatives](#). The workshop included an overview of the Tribal Water Data Map and User Manual, and a demonstration of how to navigate both resources. Review the workshop [slides](#) or [recording](#).

For more information: [https://www.waterboards.ca.gov/resources/oima/tribal\\_water\\_data\\_initiatives/](https://www.waterboards.ca.gov/resources/oima/tribal_water_data_initiatives/)

## Additional Resources

State Water Board Website:  
[waterboards.ca.gov](http://waterboards.ca.gov)

Water Boards Tribal Liaison:  
Adriana Renteria  
[Tribal-Liaison@waterboards.ca.gov](mailto:Tribal-Liaison@waterboards.ca.gov)  
916.341.5229

Plans and Policies:  
[waterboards.ca.gov/plans\\_policies](http://waterboards.ca.gov/plans_policies)

Tribal Affairs:  
[waterboards.ca.gov/tribal\\_affairs](http://waterboards.ca.gov/tribal_affairs)

Tribal Beneficial Uses:  
[waterboards.ca.gov/tribal\\_affairs/beneficial\\_uses.html](http://waterboards.ca.gov/tribal_affairs/beneficial_uses.html)

Regional Water Board Tribal Coordinators Contacts:  
[waterboards.ca.gov/tribal\\_affairs/tribal\\_contacts.html](http://waterboards.ca.gov/tribal_affairs/tribal_contacts.html)

### Regional Basin Plans:

- Region 1 (North Coast): <https://bit.ly/R1-BP>
- Region 2 (San Francisco Bay): [bit.ly/R2-bp](https://bit.ly/R2-bp)
- Region 3 (Central Coast): [bit.ly/R3-bp](https://bit.ly/R3-bp)
- Region 4 (Los Angeles): [bit.ly/R4-bp](https://bit.ly/R4-bp)
- Region 5 (Central Valley): [bit.ly/R5-bp](https://bit.ly/R5-bp)
- Region 6 (Lahontan): [bit.ly/R6-bp](https://bit.ly/R6-bp)
- Region 7 (Colorado River): [bit.ly/R7-bp](https://bit.ly/R7-bp)
- Region 8 (Santa Ana): [bit.ly/R8-bp](https://bit.ly/R8-bp)
- Region 9 (San Diego): [bit.ly/R9-bp](https://bit.ly/R9-bp)

CalEPA Environmental Complaint System  
[bit.ly/calepa-complaint](https://bit.ly/calepa-complaint)

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- Chumash leader Mati Waiya performs a water blessing ceremony in Malibu, California. Photo by Carl Costas/California Department of Water Resources.
- Basket Pattern - By Heater. AdobeStock.
- Grinding Rock - Indian (Native American) Morteros from the Kumeyaay Tribe in the Anza Borrego Desert at Mortero Palms. Photo By Jill Richardson. Shutterstock.
- Top Knot - Rudy Brown and Tim Snow, Habematolel Pomo of Upper Lake. Picture by Tara Albertoni.
- Board meeting –Unknown.
- Traditional Salmon Bake - Quartz Valley Indian Reservation. Photo by Marla Bennett, Environmental Program Manager.
- Baskets - Stephanie Clark, North Fork Rancheria of Mono Indians of California. Photo by Tara Albertoni.
- California Native American Flags - Native American Day 2023, State Capitol. Photo by Tara Albertoni.