

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
JUNE 7, 2023**

ITEM 7

SUBJECT

CONSIDERATION OF ADDITION OF TRIBAL BENEFICIAL USES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA.

DISCUSSION

Staff will provide information regarding the potential inclusion of tribal beneficial uses in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). In 2017, the State Water Board established and defined tribal beneficial uses. The addition of tribal beneficial uses to the Bay-Delta Plan would provide for explicit recognition and reasonable protection of these beneficial uses within the context of the Bay-Delta Plan, which is focused on instream flow and associated habitat conditions and implementation through water right related actions. The possible addition of tribal beneficial uses would be identified in the upcoming draft staff report evaluating potential changes to the Bay-Delta Plan planned for release this summer. Additional opportunities for public comment on the update to the Bay-Delta Plan, including the recognition of tribal beneficial uses, will be provided after the draft staff report is released this summer.

The Bay-Delta Plan identifies (1) beneficial uses of water in the Bay-Delta watershed, including municipal and industrial, agricultural, and fish and wildlife uses, (2) water quality objectives to reasonably protect the identified beneficial uses, and (3) a program of implementation to achieve those objectives. The Bay-Delta watershed is a critical part of California's water supply system and provides habitat for fish, wildlife, and species with high ecological, economic, and cultural importance. The State Water Board is currently in the process of updating and implementing the Bay-Delta Plan focused on providing reasonable protection for fish and wildlife in the Bay-Delta watershed in response to significant declines in native aquatic species in recent decades.

As part of the tribal outreach and engagement efforts related to the update and implementation of the Bay-Delta Plan, the State Water Board initiated formal consultation and engagement efforts with California Native American Tribes. Also, to provide more information to tribes on the planning and implementation processes and to directly receive tribal input on those processes, the State Water Board held listening sessions with tribal representatives that focused on tribal engagement and strategies for incorporating Traditional and Tribal Cultural and Ecological Knowledge into these processes. During these listening sessions and other State Water Board meetings, tribal representatives have requested the specific recognition of tribal and subsistence fishing beneficial uses to the Bay-Delta Plan. These beneficial uses include Tribal Subsistence

Fishing (T-SUB), Subsistence Fishing (SUB), and Tribal Tradition and Culture (CUL) beneficial uses.

POLICY ISSUE

None.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

None. This item is being brought before the State Water Board for informational purposes only.