

**Regional Water Quality Control
Board- Central Valley Region
Board Meeting – 17/18 February 2022**

RESPONSE TO COMMENTS ON PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE TULARE LAKE BASIN TO ADD THE TRIBAL TRADITION AND CULTURE, TRIBAL SUBSISTENCE FISHING, AND SUBSISTENCE FISHING BENEFICIAL USE DEFINITIONS IDENTIFIED IN PART 2 OF THE STATE WATER RESOURCES CONTROL BOARD’S INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES PLAN - TRIBAL AND SUBSISTENCE FISHING BENEFICIAL USES AND MERCURY PROVISIONS

At a public hearing scheduled for 17 and 18 February 2022, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider adoption of the proposed amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to add the Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Use Definitions identified in Part 2 of the State Water Resources Control Board’s Inland Surface Waters, Enclosed Bays, and Estuaries Plan – Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions. These beneficial uses recognize populations that are likely to consume more fish than the average recreational angler in California, thus at a higher human health risk from bioaccumulative contaminants in fish tissue such as mercury. Tribal Beneficial Uses (TBUs) help protect activities specific to Native American Culture and Tribes’ historic and present-day uses of California waters and may be designated to stretches of rivers or creeks or whole water bodies by the Regional Water Boards.

The Central Valley Water Board provided interested parties the opportunity to submit written comments on the proposed Basin Plan Amendment and draft staff report from 21 September 2021 to 27 October 2021. The Board extended the original comment period to 31 December 2021 and updated the staff report to reflect the extended comment period. This document contains responses to written comments submitted to Central Valley Water Board staff during this period.

Written comments were received by:

Name, Title Organization (Submittal Date)	Written Comments
Michael Martin, Ph. D, Director Merced River Conservation Committee (October 01, 2021)	X
Emily Moloney, Water Program Coordinator Buena Vista Rancheria of Me-Wuk Indians (October 27, 2021)	X
James Kinter, Tribal Historic Preservation Officer Yocha Dehe Wintun Nation (December 21, 2021)	X
Charlotte Lange, Chair Mono Lake Kutzadika^a Tribe (December 30, 2021)	X
Ryan Hunter, Acting Regional Director Bureau of Indian Affairs, Pacific Regional Office (December 30, 2021)	X

SECTION 1: Responses to General Comments

Commenters expressed general support in written submittals:

General Comment No. 1 – General Support:

Five commenters (Merced River Conservation Committee, Buena Vista Rancheria of Me-Wuk Indians, Yocha Dehe Wintun Nation, Mono Lake Kutzadika^a Tribe, and Bureau of Indian Affairs-Pacific Regional Office) expressed support for the consideration of adopting the proposed amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin, which would recognize populations that are likely to consume more fish than the average recreational angler in California—thus at a higher human health risk from bioaccumulative contaminants in fish tissue such as mercury—and would help protect activities specific to Native American Culture and Tribes’ historic uses of California waters.

RESPONSE:

- 1) Thank you for your letter of support for the Central Valley Regional Water Quality Control Board’s proposed amendment to add the Tribal Beneficial Use definitions to our Basin Plans. Comments will be included in the Administrative Record for this project.

General Comment No. 2 – Tribal Input and Engagement

Two commenters (Buena Vista Rancheria of Me-Wuk Indians and Bureau of Indian Affairs-Pacific Regional Office) encouraged the Central Valley Water Board to seek direct input and engagement from Tribes throughout the Tribal Beneficial Uses basin plan amendment process for definitions and to move forward with designating water bodies with these Tribal Beneficial Uses.

RESPONSE:

- 1) The Central Valley Water Board recognizes the essential role of California Tribes in ensuring the Tribal Beneficial Use designation process is reflective of the needs and direction we receive from Tribes through direct input and engagement efforts. The Central Valley Water Board will continue to work with and identify additional opportunities to engage with California Tribes regarding the Tribal Beneficial Uses process.

SECTION 2: RESPONSES TO SPECIFIC COMMENTS

This section contains Board staff responses to specific comments received during the comment period.

BUREAU OF INDIAN AFFAIRS, PACIFIC REGIONAL OFFICE COMMENTS

Comments were received from Ryan Hunter, Acting Regional Director, Bureau of Indian Affairs on 30 December 2021.

Bureau of Indian Affairs Comment 1: In addition, the BIA encourages the CVRWQCB to

support research, studies, and mapping of TEK to support the Tribes efforts to document T-SUB and CUL beneficial uses in Region 5 and throughout the State of California.

RESPONSE: The Central Valley Water Board recognizes the importance of Tribal Ecological Knowledge (TEK) and will continue to work with Tribes to document TEK during the TBU designation processes.