

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

RESOLUTION No. R2-2025-XXXX

Approving the Triennial Review of the San Francisco Bay Basin Water Quality Control Plan and Adopting a List of Prioritized Basin Planning Projects

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. The Basin Plan has been duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), the Office of Administrative Law, and U.S. EPA, where required.
2. The Basin Plan contains the San Francisco Bay Region's water quality standards, which consist of beneficial uses, water quality objectives, and antidegradation policies, and implementation plans necessary to achieve these standards.
3. Consistent with section 303(c) of the federal Clean Water Act, section 131.20 of title 40 of the Code of Federal Regulations, and section 13240 of the California Water Code (Water Code), the Water Board has conducted its triennial review of the Basin Plan, including a review of all applicable water quality standards (Triennial Review).
4. The Water Board prepared a document entitled "Candidate Projects for the 2024 Triennial Review of the San Francisco Bay Basin Water Quality Control Plan," dated March 2024, describing potential Basin Plan projects.
5. The Water Board created an online form and circulated the candidate Basin Plan project descriptions as well as a link to the online form on April 10, 2024, for the purpose of receiving public comments concerning the need for revisions to the water quality standards in the Basin Plan.
6. Considering initial public comments, Water Board staff developed a staff report, dated September 13, 2024 (Staff Report), describing the 2024 Triennial Review process and the 2024 Triennial Review List of Prioritized Basin Planning Projects (Prioritized List) to be pursued over the next three fiscal years (2025/2026, 2026/2027, and 2027/2028). The Prioritized List includes adopting water quality standards as a result of the Triennial Review. The Staff Report describes Basin Plan projects to protect and enhance water quality, the relative priority of these projects, the projects that can be undertaken with existing resources, and projects that cannot be undertaken with existing resources along with the resources needed to undertake and complete them.

7. On September 13, 2024, the Water Board provided notice of a public hearing on the Triennial Review for December 11, 2024, and provided the public with an opportunity to provide written comments on the Triennial Review.
8. The Water Board received four comment letters during the public comment period (September 13 through October 14, 2024). The Water Board considered and responded to those comment letters. Based on the comments, the Water Board made minor revisions to the Staff Report and Prioritized List.
9. On November 23, November 26, and December 9, 2024, the Water Board received three late comment letters, which it accepted into the record. In response to these letters, the Water Board postponed the December 11, 2024, public hearing on the Triennial Review and revised the Staff Report, including adding two new appendices (the Revised Staff Report).
10. On February 28, 2025, the Water Board provided notice of a public hearing on its Triennial Review to review applicable water quality standards and consider adopting the Prioritized List. It also provided the public an opportunity to provide written comments on the changes in the Revised Staff Report.
11. The Water Board did not receive any additional comment letters during the second public comment period (February 28 through March 31, 2025).
12. The Water Board held a public hearing on May 14, 2025, and heard public comments on the Triennial Review, including the Prioritized List. The Water Board has carefully considered all public comments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Consistent with Water Code section 13240, Clean Water Act section 303(c), and 40 C.F.R. part 131.20, and after considering public comments, the Water Board hereby certifies completion of the Triennial Review and adopts the *2024 Triennial Review List of Prioritized Basin Planning Projects* as set forth in Exhibit A to this Resolution; and
2. The Water Board may undertake projects described in the revised Triennial Review 2024 Staff Report, but not included in Exhibit A, as staff and external resources may become available; and
3. The entire Basin Plan shall remain in effect until such time that appropriate and specific amendments are adopted by the Water Board and approved by the appropriate review authorities.

I, Eileen M. White, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 14, 2025.

Eileen M. White
Executive Officer

Exhibit A – 2024 Triennial Review List of Prioritized Basin Planning Projects

Exhibit A

2024 Triennial Review List of Prioritized Basin Planning Projects

1. Designate Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Uses in the San Francisco Bay Region

In 2017, the State Water Board adopted Resolution No. 2017-0027. The provisions for this resolution (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) defined three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). However, the Resolution did not designate these uses for any specific waterbodies in California nor require that the uses be designated. Regional Water Boards are generally responsible for designating beneficial uses for specific waterbodies where the use applies within their respective regions, and this designation occurs through a Basin Planning process.

The first two years of this project were the first phase which prioritized relationship-building and collaboration with tribes and subsistence fishing communities including the following: individual meetings with California Native American Tribes (tribes), community-based organizations, and community members; tribal summits that bring together multiple tribes if requested; and meetings that bring together multiple community-based organizations. To designate waterbodies with CUL, T-SUB, and SUB beneficial uses, we need more data than are currently available. This data can only come from surveys of community members and traditional ecological knowledge. We need to build relationships with these communities to get the most accurate and meaningful data. To move this project forward more effectively, we prioritized designating the CUL beneficial use in the current phase of this project. Water Board staff have been working with local tribes to document the existence of these uses and their relevant spatial and temporal attributes and gain an understanding of what water quality objectives and implementation policies would be needed to support those uses.

The next phases of this project are to 1) add the CUL, T-SUB and SUB definitions into the Basin Plan as they are already approved and have CEQA completed; 2) designate CUL where geographically appropriate based on our collaboration with tribes; and 3) initiate development of tribal subsistence fishing surveys to inform T-SUB beneficial uses and work toward designating T-SUB where appropriate. This is likely to be completed in the next three years.

Water Board staff will also focus on designating the SUB beneficial use. In FY 24-25, staff are working with community-based organizations to pilot test a survey designed to determine the consumption rates of subsistence fishers in the region. A future step will be to conduct that survey on a broad scale to reach a large number of subsistence fishers. The

final designation of waterbodies is likely to take more than three years which aligns with our other complex Basin Plan projects.

RANKING DETAILS

CATEGORY: Update Beneficial Uses

PROPOSED BY: State Water Board

SUPPORTED BY: Bay Area Clean Water Agencies (BACWA), Clean Water Action (CWA), San Francisco Baykeeper, and California Indian Environmental Alliance

SCORE: 66

COMPLEXITY: Medium

IMPLEMENTING DIVISION: Planning

ESTIMATED PERSONNEL-YEARS (PY): 1.0

PY RUNNING TOTAL: 1.0

2. Climate Change and Shoreline Adaptation Policy

The Water Board adopted the Basin Plan amendment for Climate Change and Shoreline Adaptation in June 2024 and anticipates completing the State Board and the Office of Administrative Law approvals in fiscal year 2024-2025. The Basin Plan amendment is non-regulatory and includes two components: (1) a narrative description added to Chapter 1 to explain how climate change could lead to physical and biological impacts in our region and (2) updated language in Chapter 4 to describe our planning and permitting processes for climate adaptation projects in coastal waters, including projects that result in fill in wetlands.

Future phases or components of this Basin Planning Project could explore changes to policies in the Basin Plan to address program needs or additional policy development to (1) facilitate the beneficial use of dredged sediment and soil/sediment from other sources, (2) clarify the alternative analysis and compensatory mitigation requirements for green and grey infrastructure, (3) continue to advance use of nature-based shoreline adaptation solutions based on lessons learned from implementation of the first Basin Plan amendment, and/or (4) address projected impacts to beneficial uses from the effects of groundwater rise in response to sea level rise.

Water Board staff have been working to maximize beneficial use of dredged sediment by participating in the Long-Term Management Strategy for Placement of Dredged Material in the San Francisco Bay Region. Water Board staff have also been collaborating with the South Bay Salt Pond Restoration Project to increase the beneficial use of upland soil for tidal marsh restoration by refining the screening process for upland soil. Based on this preliminary work, Water Board staff anticipate a potential future need for a Basin Plan amendment to advance beneficial use of dredged sediment and soil/sediment from other sources.

Water Board staff anticipate a future need to clarify the alternative analysis and compensatory mitigation requirements for green and grey climate adaptation projects.

Green climate adaptation projects use nature-based infrastructure, such as marsh restoration and coarse beaches, to increase the resiliency of shorelines to sea level rise and other climate change impacts. Grey climate adaptation projects are human-engineered infrastructure, such as seawalls and revetments that protect coastal communities from flooding. In places where green infrastructure is not feasible, grey infrastructure may be necessary to protect transportation, energy-generation and wastewater treatment facilities, and communities from sea level rise. Clarifying the Water Board's approach for permitting green and grey climate adaptation projects would provide regulatory certainty for the regulated entities and landowners along the shoreline.

Water Board staff also anticipate a potential future need for a Basin Plan amendment after gathering lessons learned from implementation of the Climate Change and Shoreline Adaptation Basin Plan amendment described here. For instance, there may be a need to clarify mitigation and monitoring requirements for conversion of one wetland type to another wetland type.

RANKING DETAILS

CATEGORY: Update Plans and Policies and Update Implementation Plan

PROPOSED BY: Water Board

SUPPORTED BY: Water Board, Bay Area Clean Water Agencies (BACWA)

SCORE: 62

COMPLEXITY: High

IMPLEMENTING DIVISION: Planning, Watershed

ESTIMATED PERSONNEL-YEARS (PY): 1.5

PY RUNNING TOTAL: 2.5

3. Climate Change and Riparian Area Protection Policy

The project is a Basin Plan amendment that focuses on protecting riparian corridors and streams from climate change related impacts on water quality resulting from the following: increases in temperature; frequency, duration, and severity of droughts; and storm magnitude and frequency. Conservation and enhancement of riparian corridors are essential elements of our climate change priorities. Riparian corridors provide numerous functions that support water quality and beneficial uses including temperature regulation, carbon sequestration, groundwater recharge, nutrient cycling, water storage, erosion prevention, pollutant filtration, and food web and structural support for aquatic habitats. Climate change creates significant additional challenges for the protection of streams, as these ecosystems will be more susceptible to increases in temperature, and changes in precipitation patterns and surface/subsurface flow interactions, which will in turn lead to alterations in hydrologic and geomorphic processes that support beneficial uses. Riparian areas and streams also provide important dispersal habitat for species undergoing climate-induced range shifts because they span the climatic gradients that species are likely to

follow as they track shifting areas of climatic suitability, and they contain microclimates that are significantly cooler and more humid than immediately surrounding areas.

During the past three years of implementing this project, Water Board staff charted a course that included multiple project phases and have begun implementing the first phase, which involves assessing current watershed conditions, reviewing the science pertaining to climate change effects on riparian and stream ecosystems in the San Francisco Bay Area, identifying actions to increase watershed resilience to climate change impacts, and evaluating existing policies to explore regulatory options to protect beneficial uses of riparian corridors and streams from climate change impacts. Water Board staff have also been working with San Francisco Estuary Institute to assess current and future riparian conditions in the Petaluma River watershed.

The second phase will involve working with San Francisco Estuary Institute to: 1) map riparian areas in the San Francisco Bay region; and 2) scale up the science and findings from the Petaluma River watershed project to the whole region. Staff will then develop a Basin Plan amendment to update the text in Chapter 4 to include clear implementation measures to promote the resilience of riparian corridors and streams to climate change impacts in our region.

In view of the staffing level, project scope, and likely level of effort, Water Board staff does not anticipate completing a Basin Plan amendment during this current three-year period.

RANKING DETAILS

CATEGORY: Update Implementation Plans

PROPOSED BY: Water Board

SUPPORTED BY: Water Board

SCORE: 56

COMPLEXITY: High

IMPLEMENTING DIVISION: Watershed

ESTIMATED PERSONNEL-YEARS (PY): 1.5

PY RUNNING TOTAL: 4.0

4. Develop Nutrient Water Quality Attainment Strategy for San Francisco Bay

On July 10, 2024, the Water Board adopted an NPDES permit (Order R2-2024-0013) calling for a 40 percent nitrogen load reduction for municipal wastewater facilities. The permit includes water quality based effluent limitations that must be achieved within 10 years (October 1, 2034). The Water Board also adopted a Resolution to Identify and Consider Regulatory Mechanisms to Extend Compliance Schedules for Nutrient Effluent Limitations (Resolution R2-2024-0014). In the resolution, the Board directs staff to continue participating in the Nutrient Science Program and implementing the Nutrient Management Strategy. The resolution also directs staff to explore regulatory mechanisms to provide more

time for compliance via innovative technologies and multi-benefit projects that reduce nutrient loads (e.g., recycled water and nature-based solutions for nutrient reduction). Based on this direction, staff anticipate a need to develop a water quality attainment strategy (WQAS) that describes and prioritizes, for implementation, the regulatory measures that could provide more time to achieve the water quality based effluent limitations.

This 1.5 PY project would involve work over the next three years to build the scientific foundation and assemble other elements to evaluate regulatory measures to be included in the WQAS for nutrient management in SF Bay. The WQAS would draw from the efforts of the Nutrient Management Strategy to develop nutrient-related scientific understanding for the Bay, describe findings to date, and describe the efforts to reduce nutrients through the NPDES wastewater permit.

RANKING DETAILS

CATEGORY: Update Implementation Plans

PROPOSED BY: Bay Area Clean Water Agencies (BACWA), EOA, Inc.

SUPPORTED BY: Bay Area Clean Water Agencies (BACWA), EOA, Inc., **Clean Water Action (CWA)**, and **San Francisco Baykeeper**

SCORE: 55

COMPLEXITY: High

IMPLEMENTING DIVISION: Planning, NPDES

ESTIMATED PERSONNEL-YEARS (PY): 1.5

PY RUNNING TOTAL: 5.5

5. Addition of Commercial and Sport Fishing Beneficial Uses to Lakes and Reservoirs

This project entails adding Commercial and Sport Fishing (COMM) where the COMM beneficial use is determined to apply. Many lakes and reservoirs in the Region already have this beneficial use designation, but we are aware that this designation is missing from some water bodies with active recreational fishing. The Water Board has obtained new information indicating attainability of the COMM use in 42 (listed in a table in Section 2 of the Staff Report) San Francisco Bay Region lakes and reservoirs for which the COMM use is not currently designated. This information consists of various forms of evidence that fishing is occurring in these waterbodies. One source of such information is fish tissue data obtained in the reservoir assessed while preparing California's 303(d) list. The availability of such tissue data constitutes new information indicating that fishing is attainable in these water bodies because the data demonstrate that fish of consumable size are present in those waters. Other new information are from websites of reservoir operators, California's Department of Fish and Wildlife, and California's Office of Environmental Health Hazard Assessment, as well as a variety of other public websites where citizens can post information and photos about fish caught in specific waters (e.g., fishbrain.com). Consistent

with the new information relating to CWA section 101(a)(2) uses just described, the Water Board intends to revise its water quality standards by designating the COMM beneficial use in these 42 waterbodies. As part of the project, Water Board staff will continue to search for new information of fishing in additional waterbodies for which the COMM use is not already designated, and, if such new information indicates attainability, COMM will be designated for those water bodies as well.

The Water Board will continue to review new information that becomes available concerning attainability of CWA section 101(a)(2) uses in future Triennial Reviews.

RANKING DETAILS

CATEGORY: Update Beneficial Uses

PROPOSED BY: Water Board

SUPPORTED BY: Water Board

SCORE: 31

COMPLEXITY: Medium

IMPLEMENTING DIVISION: Planning

ESTIMATED PERSONNEL-YEARS (PY): 0.3

PY RUNNING TOTAL: 5.8