

# Consideration of Addition of Tribal Beneficial Uses to the Bay-Delta Water Quality Control Plan

Informational Item #7  
June 7, 2023



State Water Resources Control Board

# Agenda

- Overview of Bay-Delta Plan\*
- Current status of Bay-Delta Plan update and implementation
- Summary of tribal outreach and engagement efforts
- Description of tribal and subsistence beneficial uses
- Next steps and additional opportunities for input
- Panel presentation from tribal representatives
- Public comments and Board member remarks

\* Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

# Overview of Bay-Delta Plan

- Identifies beneficial uses of water, water quality objectives to protect those uses, a program of implementation to achieve the objectives, and monitoring and special studies
  - Existing beneficial uses: municipal, industrial, agricultural, fish and wildlife
  - Water quality objectives: narrative and numeric (primarily flow-dependent)
  - Program of implementation: flow and nonflow actions
- Requires periodic/triennial review through public process
- Implemented through water right or water quality actions (e.g., adopting regulations, conditioning permits, etc.)

# San Francisco Bay-Delta Watershed



# Need for Bay-Delta Plan Updates for Fish and Wildlife Beneficial Uses

- Populations of native species are in substantial and prolonged decline
- Aquatic ecosystem stressors include flow alteration, habitat loss, degraded water quality, and climate change
- Bay-Delta Plan updates are intended to establish flow and other measures to protect native species



# Status of Bay-Delta Plan

The Board is currently updating and implementing the Bay-Delta Plan through separate processes:

1. Lower San Joaquin River (LSJR) Flows/Southern Delta (SD) Salinity (LSJR/SD) Update
  - Adopted in 2018
  - In implementation stage
2. Sacramento/Delta and Tributaries (Sacramento/Delta) Update
  - Includes consideration of voluntary agreements (VAs) proposal (with exception of Tuolumne River VA)
  - In planning stage
3. Consideration of Tuolumne River VA
  - Being considered separately from LSJR/SD implementation process
  - In planning stage

# 7

# Lower San Joaquin River Flows/Southern Delta Salinity

- Regulation – to assign responsibility to water right holders to meet LSJR flow and SD salinity objectives
  - Notice of Preparation of Environmental Impact Report (EIR) released last summer
  - Draft regulation and draft EIR planned for release early 2024

# Tuolumne River Voluntary Agreement

- Changes to the Bay-Delta Plan and associated environmental and technical review needed for the Board to consider Tuolumne VA proposal
- Notice of Preparation of Environmental Document and Scoping Meeting issued in April 2023
  - Held scoping meeting and received written comments in May 2023
- Draft scientific basis report planned for release fall 2023
- Draft Staff Report planned for release early 2024
- Possible consideration of changes to the Bay-Delta Plan planned for mid to late 2024
- All processes include opportunities for review and comment and public meetings



# Sacramento/Delta

- Draft Staff Report/environmental documentation planned for release summer of 2023, including VA analysis
  - Will include opportunities for review and comment and public meetings
- Submit draft scientific basis report supplement in support of proposed voluntary agreements for independent scientific peer review
- Board consideration of adoption of Sacramento/Delta Updates to the Bay-Delta Plan planned for mid to late 2024
  - Will include opportunities for review and comment and public meetings

# Tribal Engagement and Feedback

- Letters offering formal tribal consultation on Bay-Delta Plan issues for all three Bay-Delta planning processes
- Tribal listening sessions held March 15, and May 4, 2023
  - Provided background on Bay-Delta planning processes
  - Highlighted tribal engagement opportunities
  - Requested assistance in incorporating Traditional Ecological Knowledge (TEK) into the planning efforts
- Tribal representatives requested specific recognition of tribal and subsistence fishing beneficial uses
- Commitment to ongoing tribal engagement

# Tribal Beneficial Uses

- Established and defined by the Board in 2017
- Developed in collaboration with California Native American Tribes and the public
- Unique to California Native American Tribes
- Tribal Tradition and Culture (CUL) – uses of water that support the cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes
- Tribal Subsistence Fishing (T-SUB) – uses of water involving the non-commercial catching or gathering of natural aquatic resources for consumption by individuals, households, or communities of California Native American Tribes to meet needs for sustenance

# Subsistence Fishing Beneficial Use

- Unique to people and communities who engage in subsistence fishing
- Subsistence Fishing (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, to meet needs for sustenance

# Adding Tribal and Subsistence Beneficial Uses to Bay-Delta Plan

- Largely consistent with beneficial uses currently identified in the Bay-Delta Plan
- Would provide for explicit recognition of reasonable protection of these beneficial uses within the context of the Bay-Delta Plan
- Complimentary to Regional Water Quality Control Boards' designation processes
- Consistent with Board's efforts to update and implement the Bay-Delta Plan focused on ecosystem protection for benefit of native species and tribal and other communities
- Would be identified in upcoming Draft Staff Report in support of the Sacramento/Delta Update to the Bay-Delta Plan

# Future Engagement and Public Input

- Ongoing engagement with tribes throughout the Bay-Delta Plan update and implementation processes
- Draft Staff Report for Sacramento/Delta Update would include consideration of inclusion of tribal and subsistence beneficial uses
  - Planned for release with opportunity for oral and written comments in summer 2023
- Board meeting to consider Sacramento/Delta Update
  - Anticipated mid to late 2024, with opportunity for oral and written comments

# Resources and Contact Information

## Email:

[Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov)

## Webpages:

Bay-Delta Watershed Efforts:


[www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

Consultation with California Native American Tribes on Efforts to Update and Implement the Bay-Delta Plan:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/tribal\\_coordination.html](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/tribal_coordination.html)

## Bay-Delta Notices Email Subscription List:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

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