

**UPDATE REGARDING THE DEVELOPMENT OF
BENEFICIAL USES:
TRIBAL TRADITIONAL AND CULTURAL, TRIBAL
SUBSISTENCE FISHING, AND SUBSISTENCE FISHING**

Agenda Item #11

Background

Feb 16, 2016 State Water Board adopted resolution No. 2016-0011 directing staff to:

- ❖ Develop proposed beneficial use categories.
- ❖ Consider the beneficial uses proposed by Tribes and Environmental Justice organizations when developing beneficial use categories.
- ❖ Utilize public participation process when developing the proposed beneficial use categories and to bring an item to the board on the input received.

The Resolution also stated: that the State Board would consider adopting the beneficial uses proposed by staff no later than April 2017, unless the board directs otherwise.

Follow up from Resolution No. 2016-0011

- ❖ Developed working beneficial use definitions:
 - ❖ Based on definitions recommended by Tribes and Environmental Justice organizations.
- ❖ Developed an outreach document and distributed to stakeholder focus groups.
- ❖ Conducted a series of 10 outreach meetings with different focus groups between May and July of 2016.

In response to focused outreach

1. Staff developed a Frequently Asked Questions (FAQ) document.
2. Staff developed a matrix of input from stakeholders.
3. Staff also revised the working definitions.

Input received

1. While some groups supported the need for the beneficial use categories, other groups reasoned that these uses could be covered under existing uses such as REC-1 and COM.
2. Some groups were concerned that the subsistence fishing uses would require them to maintain a certain quantity of fish.
3. Some groups were concerned that the Tribal Traditional and Cultural Beneficial Use would require flow objectives or otherwise affect water diversions or water rights.
4. There were several suggested changes to the wording in the definitions for clarity.

Current Working Definition

Tribal Traditional and Cultural Use: *Uses of water that support the cultural, spiritual, ceremonial, traditional rights and/or **lifeways** of **California Native American Tribes**, including, but not limited to: navigational activities, **ceremonial activities**, and fishing, gathering, and/or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials, as ~~supported~~ **affirmed** by **California Native American Tribe(s)**.*

Current Working Definition

Tribal Subsistence Fishing Use: Uses of water that support human health involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, by California Native American Tribes, for consumption¹ by tribal individuals, households, and/or communities to meet fundamental needs for sustenance.

Current Working Definition

*Subsistence Fishing Use: Uses of water that support **human health involving the** non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, by individuals for consumption by individuals, their households, or communities, to meet fundamental needs for sustenance due to cultural tradition, lack of personal economic resources, or both.*

Next Steps

1. Proceed per Resolution 2016-0011 with developing statewide beneficial use categories and definitions as part of the Mercury Amendment to the Statewide Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries.

Proposed Beneficial Uses Timeline

September 2016

Update to the Board

Fall 2016

Public Comment period

Spring 2017

Board Consideration (with
Mercury Amendment)

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Questions?

