



REGIONAL WATER QUALITY CONTROL BOARD,  
CENTRAL VALLEY REGION

# **Staff Report for Proposed Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin**

Adding the Tribal 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

*Staff Report*

***17 November 2021***



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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11020 Sun Center Drive #200  
Rancho Cordova, CA 95670

Phone: (916) 464-3291

email: [info5@waterboards.ca.gov](mailto:info5@waterboards.ca.gov)

Central Valley Home Page: (<http://www.waterboards.ca.gov/centralvalley/>)

Contact Person:  
Robert L'Heureux  
Telephone: (916) 464-4736  
E-mail: [Robert.LHeureux@waterboards.ca.gov](mailto:Robert.LHeureux@waterboards.ca.gov)

Staff Report for Proposed Amendments to the Water  
Quality Control Plans for the Sacramento River and San  
Joaquin River Basins and Tulare Lake Basin

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# **Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to Add Tribal Beneficial Use Definitions**

This Staff Report provides the justification and supporting documentation for amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (cumulatively, the Central Valley Basin Plans) to add the Tribal Beneficial Use Definitions previously identified in Part 2 of the State Water Resources Control Board's Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE) Plan: Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions.

## **Basin Planning Overview**

Statewide Water Quality Control Plans and Regional Water Quality Control Plans (Basin Plans) provide the foundation for all the State Water Resources Control Board (State Board) and Regional Water Quality Control Board regulatory actions. The Central Valley Regional Water Quality Control Board's (Central Valley Water Board's) Basin Plans identify beneficial uses of surface and ground waters, water quality objectives to protect those uses, implementation actions to achieve objectives, and a monitoring program to assess effectiveness. They contain enforceable water quality standards designed to ensure beneficial uses of California's waters are protected. State and federal laws require periodic review of Water Quality Control Plans. Because federal law requires a review every three years, the review is commonly referred to as the "triennial review." Basin Plans can be updated by amendments, as needed.

California's Secretary for Natural Resources has certified the Water Quality Control (Basin)/208 Planning Program of the State Water Board and the Regional Water Boards as being exempt from the preparation of a separate environmental impact report, negative declaration, or initial study under the California Environmental Quality Act. (Pub. Resources Code, § 21080.5; Cal. Code Regs., tit. 14, § 15251(g)).

A Basin Plan amendment does not become effective until approved by the State Water Board and the Office of Administrative Law. The United States Environmental Protection Agency must also review and approve amendments that add or modify water quality standards for waters of the United States.

## Regulatory Setting

The State Water Board adopted Resolution 2017-0027, which approved "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" on May 2, 2017. With the adoption of Resolution 2017-0027, the State Water Board established three new beneficial use definitions for use by the State and Regional Water Boards, designating:

1. Tribal Tradition and Culture (CUL),
2. Tribal Subsistence Fishing (T- SUB), and
3. Subsistence Fishing (SUB) beneficial uses to inland surface waters, enclosed bays, or estuaries in the State.

CUL reflects uses of water that support the cultural, spiritual, and traditional ways of living by California Native American Tribes (defined as a federally-recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government on the California Tribal Consultation List maintained by the California Native American Heritage Commission). The T-SUB and SUB uses are in recognition of populations that are likely to consume more fish than the average recreational angler in California. For the State Water Board or the Regional Water Boards to designate the CUL or T-SUB beneficial uses in a Water Quality Control Plan for a particular waterbody segment and time(s) of year, the designation must be confirmed as appropriate by a California Native American Tribe. No Tribal confirmation is required to designate the SUB beneficial use in a Water Quality Control Plan.

The T-SUB and SUB beneficial uses, and the consumption of fish and shellfish component of the CUL beneficial use, relate to the risks to human health from the consumption of non-commercial fish or shellfish. They are intended to protect Tribal cultural practices and traditional uses of waters by California Native American Tribes, subsistence fishing by California Native American Tribes, and subsistence fishing by other communities and individuals. Because these groups may consume more fish than the average recreational angler in California, bioaccumulative contaminants such as mercury are of concern. The two beneficial uses for subsistence fishing normally address higher rates of consumption of fish or shellfish than those protected under the Commercial and Sport Fishing (COMM) and the CUL beneficial uses.

The functions of the CUL, T-SUB, and SUB beneficial uses are not to protect or enhance fish populations or aquatic habitats. Fish populations and aquatic habitats are protected and enhanced by other beneficial uses including, but not limited to, Fish Spawning (SPWN), Migration of Aquatic Organisms (MIGR), Aquaculture (AQUA), Warm Freshwater Habitat (WARM), and Cold Freshwater Habitat (COLD).

Resolution 2017-0027 stipulates that the Regional Water Boards shall use the three new beneficial uses and abbreviations (CUL, T-SUB, SUB) to the extent such activities

are defined in a Water Quality Control Plan after June 28, 2017. It does not require the Regional Water Boards to designate specific waters within their regions with the CUL, T-SUB, or SUB beneficial uses nor does it set forth a prioritization schedule for such designations to occur. It states that the Regional Water Boards generally consider prioritizing the designation of beneficial uses during their triennial review processes.

### **Statement of Necessity for the Basin Plan Amendment**

In December 2018 the Central Valley Water Board adopted its Triennial Review that lists Basin Plan priorities for the following three years (Resolution R5-2018-0070). During the Triennial Review process, support for adding Tribal Beneficial Uses to the Central Valley Water Board's Basin Plans was received from the Tuolumne Me-Wuk Tribal Council, the Big Valley Band of Pomo Indians, the Elem Indian Colony, the Robinson Rancheria Environmental Center, and the Pit River Tribe. No comment letters in opposition were received. Adding Tribal Beneficial Uses to the Central Valley Region's Basin Plans was ultimately adopted as a priority as part of this process.

This amendment proposes to incorporate the definitions for the three new beneficial uses (CUL, T-SUB, and SUB) into the Central Valley Basin Plans. This is a first step toward completing a Triennial Review priority to protect Tribal cultural practices and traditional uses of waters by California Native American Tribes, subsistence fishing by California Native American Tribes, and subsistence fishing by other communities and individuals. The proposed amendment will add only the definitions for the three new beneficial uses from "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" into the Central Valley Basin Plans. Designations of the new beneficial uses to specific waterbodies, where those uses are existing or attainable, will be considered under future, separate amendments to the Basin Plan.

### **Proposed Amendment**

Chapter 2 of the Central Valley Basin Plans defines and designates the beneficial uses for all surface and ground waters in the Central Valley Region. The proposed amendment will add definitions and related text to Chapter 2 of the Central Valley Basin Plans for three new beneficial uses as defined in "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". The entire proposed amendment is shown in Appendix A and Appendix B, with the definitions for the three new beneficial uses also included below:

1. Tribal Tradition and Culture (CUL): Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or LIFEWAYS of CALIFORNIA NATIVE AMERICAN TRIBES, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.
  - a. LIFEWAYS: Any customs, practices, or art of a CALIFORNIA NATIVE AMERICAN TRIBE.

- b. CALIFORNIA NATIVE AMERICAN TRIBE(S): A federally recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government on the California Tribal Consultation List maintained by the California Native American Heritage Commission.
2. Tribal Subsistence Fishing (T-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 of California Native American Tribes to meet needs for sustenance.
  3. 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.

### **Compliance with California Environmental Quality Act (CEQA)**

The proposed amendment does not constitute an activity which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code, § 21065.) The proposed amendment is not a “project” for purposes of CEQA, is not subject to CEQA, and therefore, is not subject to the Water Board’s certified regulatory programs regulations implementing CEQA. (Cal. Code Regs., tit. 23, 3720 (b), (c)(2).)3720 (b).).

### **Public Participation**

The proposed Basin Plan amendment is being made available to the public for review on 30 November 2021. The Opportunity to Comment includes information on how to review the proposed amendment, draft Resolution, and staff report, and about how to participate in the process. Interested persons will have an opportunity to submit written comments during a 30-day comment period which will extend until 5:00 pm on 31 December 2021. Responses to these comments are provided as a separate document to the Central Valley Water Board.

### **Conclusion**

Adoption of the proposed Basin Plan amendment to add CUL, T-SUB, and SUB definitions to Chapter 2 of the Central Valley Basin Plans is consistent with the Central Valley Water Board’s 2018 Triennial Review Priority rankings and the State Water Board’s “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”. It is an important step in recognizing and protecting Tribal cultural practices and traditional uses of waters by California Native American Tribes, subsistence fishing by California Native American Tribes, and subsistence fishing by other communities and individuals, and reflects their input into the Central Valley Water Board’s Triennial Review process.



# **APPENDIX A – Proposed Amendments to the Sacramento River Basin and San Joaquin River Basin Plan**

## **Proposed Amendment to Chapter 2 of the Sacramento River Basin and San Joaquin River Basin Plan**

The proposed amendment to Chapter 2 of the Sacramento River Basin and San Joaquin River Basin Plan adds and defines three new beneficial uses. The proposed amendment is shown as blue underlined text for added language, and as red strike-out text for deleted language. The words in italic text *Begin proposed text* are at the start of text to be added and the words in italic *End proposed text* are the end of the added text. Similarly, the words in italic text *Begin strikeout* are at the start of the text to be deleted and the words in italic *End strikeout* are at the end of the text to be deleted. The words in italics indicating the start/end are for reader accessibility purposes and do not reflect the current or amended Basin Plan.

## **2 EXISTING AND POTENTIAL BENEFICIAL USES**

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Beneficial uses are critical to water quality management in California. State law defines beneficial uses of California's waters that may be protected against quality degradation to include (and not be limited to) "...domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves" (Water Code Section 13050(f)). Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning.

Significant points concerning the concept of beneficial uses are:

1. All water quality problems can be stated in terms of whether there is water of sufficient quantity or quality to protect or enhance beneficial uses.
2. Beneficial uses do not include all of the reasonable uses of water. For example, disposal of wastewaters is not included as a beneficial use. This is not to say that disposal of wastewaters is a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses. Similarly, the use of water for the dilution of salts is not a beneficial use although it may, in some cases, be a reasonable and desirable use of water.
3. The protection and enhancement of beneficial uses require that certain quality and quantity objectives be met for surface and ground waters.
4. Fish, plants, and other wildlife, as well as humans, use water beneficially.

Beneficial use designation (and water quality objectives, see Chapter 3, or variance of a water quality standard, see Chapter 4) must be reviewed at least once during each three-year period for the purpose of modification as appropriate (40 CFR 131.20).

*Begin proposed text* Three more uses (Tribal Tradition and Culture, Subsistence Fishing, Tribal Subsistence Fishing) were added from 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. For the Regional Water Board to designate the Tribal Tradition and Culture or Tribal Subsistence Fishing beneficial uses in a water quality control plan for a particular waterbody segment and time(s) of year, a CALIFORNIA NATIVE AMERICAN TRIBE must confirm the designation is appropriate. A CALIFORNIA NATIVE AMERICAN TRIBE is a federally-recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government on the California Tribal Consultation List maintained by the California Native American Heritage Commission. *End proposed text*

The beneficial uses, and abbreviations, listed below are standard basin plan designations.

**Municipal and Domestic Supply (MUN)** - Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.

**Agricultural Supply (AGR)** - Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation (including leaching of salts), stock watering, or support of vegetation for range grazing.

**Industrial Service Supply (IND)** - Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.

**Industrial Process Supply (PRO)** - Uses of water for industrial activities that depend primarily on water quality.

**Ground Water Recharge (GWR)** - Uses of water for natural or artificial recharge of ground water for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers.

**Freshwater Replenishment (FRSH)** - Uses of water for natural or artificial maintenance of surface water quantity or quality.

**Navigation (NAV)** - Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

**Hydropower Generation (POW)** - Uses of water for hydropower generation.

**Water Contact Recreation (REC-1)** - Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

**Non-contact Water Recreation (REC-2)** - Uses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.

**Commercial and Sport Fishing (COMM)** - Uses of water for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.

**Aquaculture (AQUA)** - Uses of water for aquaculture or mariculture operations including, but not limited to, propagation, cultivation, maintenance, or harvesting of aquatic plants and animals for human consumption or bait purposes.

**Warm Freshwater Habitat (WARM)** - Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

**Cold Freshwater Habitat (COLD)** - Uses of water that support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

**Estuarine Habitat (EST)** - Uses of water that support estuarine ecosystems including, but not limited to, preservation or enhancement of estuarine habitats, vegetation, fish, shellfish, or wildlife (e.g., estuarine mammals, waterfowl, shorebirds).

**Wildlife Habitat (WILD)** - Uses of water that support terrestrial or wetland ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats or wetlands, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.

**Preservation of Biological Habitats of Special Significance (BIOL)** - Uses of water that support designated areas or habitats, such as established refuges, parks, sanctuaries, ecological reserves, or Areas of Special Biological Significance (ASBS), where the preservation or enhancement of natural resources requires special protection.

**Rare, Threatened, or Endangered Species (RARE)** - Uses of water that support aquatic habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered.

**Migration of Aquatic Organisms (MIGR)** - Uses of water that support habitats necessary for migration or other temporary activities by aquatic organisms, such as anadromous fish.

**Spawning, Reproduction, and/or Early Development (SPWN)** - Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.

**Shellfish Harvesting (SHELL)** - Uses of water that support habitats suitable for the collection of filter-feeding shellfish (e.g., clams, oysters, and mussels) for human consumption, commercial, or sports purposes.

*Begin proposed text*

**Tribal Tradition and Culture (CUL)** - Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or LIFEWAYS of CALIFORNIA NATIVE AMERICAN TRIBES, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.

LIFEWAYS: Any customs, practices, or art of a CALIFORNIA NATIVE AMERICAN TRIBE

CALIFORNIA NATIVE AMERICAN TRIBE(S): A federally-recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government on the California Tribal Consultation List maintained by the California Native American Heritage Commission.

**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.

**Tribal Subsistence Fishing (T-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 of California Native American Tribes to meet needs for sustenance.

*End proposed text*

## **2.1 SURFACE WATERS**

Existing and potential beneficial uses which currently apply to surface waters of the basins are presented in Figure 2-1 and Table 2-1. The beneficial uses of any specifically identified water body generally apply to its tributary streams, except as provided below:

- MUN, COLD, MIGR and SPWN do not apply to Old Alamo Creek (Solano County) from its headwaters to the confluence with New Alamo Creek
- MUN and the human consumption of aquatic organisms do not apply to Sulphur Creek (Colusa County) from Schoolhouse Canyon to the confluence with Bear Creek

In some cases a beneficial use may not be applicable to the entire body of water. In these cases the Regional Water Board's judgment will be applied.

It should be noted that it is impractical to list every surface water body in the Region. For unidentified water bodies, the beneficial uses will be evaluated on a case-by-case basis.

Water Bodies within the basins that do not have beneficial uses designated in Table 2-1 are assigned MUN designations in accordance with the provisions of State Water Board Resolution No. 88-63 which is, by reference, a part of this Basin Plan, except as provided below:

- Old Alamo Creek (Solano County) from its headwaters to the confluence with New Alamo Creek
- Water bodies listed in Appendix 44, Water Bodies That Meet One or More Sources of Drinking Water Policy (Resolution 88-63) Exceptions

These MUN designations in no way affect the presence or absence of other beneficial use designations in these water bodies.

In making any exemptions to the beneficial use designation of MUN, the Regional Board will apply the exceptions listed in Resolution 88-63 (Appendix Item 8) and the excepted water bodies will be listed in Appendix 44.

## **APPENDIX B – Proposed Amendments to the Tulare Lake Basin Plan**

## **Proposed Amendment to Chapter 2 of the Tulare Lake Basin Plan**

The proposed amendment to Chapter 2 of the Tulare Lake Basin Plan adds and defines three new beneficial uses. The proposed amendment is shown as blue underlined text for added language, and as red strike-out text for deleted language. The words in italic text *Begin proposed text* are at the start of text to be added and the words in italic *End proposed text* are the end of the added text. Similarly, the words in italic text *Begin strikeout* are at the start of the text to be deleted and the words in italic *End strikeout* are at the end of the text to be deleted. The words in italics indicating the start/end are for reader accessibility purposes and do not reflect the current or amended Basin Plan.



## **2 EXISTING AND POTENTIAL BENEFICIAL USES**

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Protection and enhancement of beneficial uses of water against quality degradation is a basic requirement of water quality planning under the Porter-Cologne Water Quality Control Act. In setting water quality objectives, the Regional Water Board must consider past, present, and probable future beneficial uses of water.

Significant points concerning beneficial uses are:

- (1) All water related problems can be stated in terms of whether there is water of sufficient quantity and quality to protect or enhance beneficial uses.
- (2) Fish, plants, and other wildlife, as well as humans, depend on and use water beneficially both directly or indirectly.
- (3) Defined beneficial uses do not include all possible uses of water. For example, use of waters for disposal of wastewaters is not included as a beneficial use. Similarly, the use of water for the dilution of salts in other waters is not a beneficial use. These may, in some cases, be reasonable and desirable uses of water, but they are not protected uses and are subject to regulation as activities that may harm protected uses.
- (4) The protection and enhancement of beneficial uses requires that certain quality and quantity objectives be met for surface and ground waters.
- (5) Quality of water in upstream reaches and upper aquifers may impact the quality and beneficial uses of downstream reaches and lower aquifers.

Beneficial use designations (and water quality objectives, see Chapter 3, or variance of a water quality standard, see Chapter 4) must be reviewed at least once during each three-year period for potential modification as appropriate {40 CFR Part 131.20}.

The beneficial uses and abbreviations as defined and listed below are the standard designations used in all basin plans in California with the exception of the definition for Fish Spawning (SPWN) and Warm Freshwater Habitat (WARM). The standard statewide definition for SPWN includes spawning of both warm and cold water fish. In the Tulare Lake Basin, warm water spawning is considered to occur wherever a warm freshwater habitat exists while only select cold water habitats are suitable for spawning by cold water species. For example, certain cold water species require gravel beds in order to spawn. For this reason, for the Tulare Lake Basin, SPWN has been modified to limit the designation to suitable reaches of cold water streams and WARM has been modified to clarify that it includes sensitive fish propagation stages.

*Begin proposed text* Three more uses (Tribal Tradition and Culture, Subsistence Fishing, Tribal Subsistence Fishing) were added from 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. For the Regional Water Board to designate the Tribal Tradition and Culture or Tribal Subsistence Fishing beneficial uses in a water quality control plan for a particular waterbody segment and time(s) of year, a CALIFORNIA NATIVE AMERICAN TRIBE must confirm the designation is appropriate. A CALIFORNIA NATIVE AMERICAN TRIBE is a federally-recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government on the California Tribal Consultation List maintained by the California Native American Heritage Commission. *End proposed text*

Municipal and Domestic Supply (MUN) - Uses of water for community, military, or individual water supply systems, including, but not limited to, drinking water supply.

Agricultural Supply (AGR) - Uses of water for farming, horticulture, or ranching, including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.

Industrial Service Supply (IND) - Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.

Industrial Process Supply (PRO) - Uses of water for industrial activities that depend primarily on water quality.

Hydropower Generation (POW) - Uses of water for hydropower generation.

Water Contact Recreation (REC-1) - Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

Non-Contact Water Recreation (REC-2) - Uses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.

Warm Freshwater Habitat (WARM) - Uses of water that support warm water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

WARM includes support for reproduction and early development of warm water fish.

Cold Freshwater Habitat (COLD) - Uses of water that support cold water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

Wildlife Habitat (WILD) - Uses of water that support terrestrial or wetland ecosystems, including, but not limited to, preservation and enhancement of terrestrial habitats or wetlands, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.

Rare, Threatened, or Endangered Species (RARE) - Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered.

Spawning, Reproduction, and/or Early Development (SPWN) - Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.

SPWN shall be limited to cold water fisheries.

Migration of Aquatic Organisms (MIGR) - Uses of water that support habitats necessary for migration or other temporary activities by aquatic organisms, such as anadromous fish.

Ground Water Recharge (GWR) - Uses of water for natural or artificial recharge of ground water for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers.

Freshwater Replenishment (FRSH) - Uses of water for natural or artificial maintenance of surface water quantity or quality.

Aquaculture (AQUA) - Uses of water for aquaculture or mariculture operations including, but not limited to, propagation, cultivation, maintenance, or harvesting of aquatic plants and animals for human consumption or bait purposes.

Preservation of Biological Habitats of Special Significance (BIOL) - Uses of water that support designated areas or habitats, such as established refuges, parks, sanctuaries, ecological reserves, or Areas of Special Biological Significance (ASBS), where the preservation or enhancement of natural resources requires special protection.

Navigation (NAV) - Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

*Begin proposed text*

Tribal Tradition and Culture (CUL) - Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or LIFEWAYS of CALIFORNIA NATIVE AMERICAN TRIBES, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.

LIFEWAYS: Any customs, practices, or art of a CALIFORNIA NATIVE AMERICAN TRIBE

CALIFORNIA NATIVE AMERICAN TRIBE(S): A federally-recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government on the California Tribal Consultation List maintained by the California Native American Heritage Commission.

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.

Tribal Subsistence Fishing (T-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 of California Native American Tribes to meet needs for sustenance. *End proposed text*

The existing and probable future beneficial uses which currently apply to surface waters are presented in Figure 2-1 and Table 2-1. The beneficial uses of any specifically identified water body generally apply to its tributary streams. In some cases a beneficial use may not be applicable to the entire body of water. In these cases the Regional Water Board's judgment will be applied. It should be noted that it is impractical to list every surface water body in the Region. For unidentified water bodies, the beneficial uses will be evaluated on a case-by-case basis.

Upstream from the foothill reservoirs, the quality of surface waters remains good to excellent. The quality of the major streams is suitable for all beneficial uses. Beneficial uses below the dams, however, may be significantly impacted because of the reduced flows in the channels.

For ground water, the following beneficial uses have been identified and occur throughout the Basin: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Industrial Process Supply (PRO), Water Contact Recreation (REC-1), and WildlifeHabitat (WILD).

Figure 2-2 and Table 2-2 present the AGR, IND, PRO, REC-1, REC-2, and WILD beneficial uses of ground water that existed as of 1993. Due to the "Sources of Drinking Water Policy," all ground waters are designated MUN (the use may be existing or potential) unless specifically exempted by the Regional Water Board and approved for exemption by the State Water Board. Ground water areas exempted from MUN or other beneficial uses are presented in Table 2-3. In addition, unless otherwise designated by the Regional Water Board, all ground waters in the Region are considered suitable or potentially suitable, at a minimum, for agricultural supply (AGR), industrial supply (IND), and industrial process supply (PRO).

Existing beneficial uses generally apply within the listed Detailed Analysis Unit (DAU). Due to the size of the DAUs, however, the listed uses may not exist throughout the DAU. For the purpose of assigning beneficial uses, the term ground water is defined in Chapter 1.

In considering any exceptions to the beneficial use designation of MUN, the Regional Water Board employs the following criteria:

- (1) The TDS must exceed 3,000 mg/l (5,000  $\mu$ mhos/cm EC) and the aquifer cannot be reasonably expected to supply a public water system, or
- (2) There is contamination, either by natural processes or by human activity (unrelated to a specific pollution incident), that cannot reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices, or
- (3) The water source cannot provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day, or
- (4) The aquifer is regulated as a geothermal energy producing source or has been exempted administratively pursuant to 40 CFR, Section 146.4 for the purpose of underground injection of fluids associated with the production of hydrocarbon or geothermal energy, provided that these fluids do not constitute a hazardous waste under 40 CFR, Section 261.3.

To be consistent with State Water Board Resolution No. 88-63 in making exceptions to beneficial use designations other than municipal and domestic supply (MUN), the Regional Water Board will consider criteria for exceptions, parallel to Resolution No. 88-63 exception criteria, which would indicate limitations on those other beneficial uses as follows:

In making any exceptions to the beneficial use designation of agricultural supply (AGR), the Regional Water Board will consider the following criteria:

- (1) There is pollution, either by natural processes or by human activity (unrelated to a specific pollution incident), that cannot reasonably be treated for agricultural use using either Best Management Practices or best economically achievable treatment practices, or
- (2) The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day, or
- (3) The aquifer is regulated as a geothermal energy producing source or has been exempted administratively pursuant to 40 CFR, Section 146.4 for the purpose of underground injection of fluids associated with the production of hydrocarbon or geothermal energy, provided that these fluids do not constitute a hazardous waste under 40 CFR Section 261.3.

In making any exceptions to the beneficial use designation of industrial supply (IND or PRO), the Regional Water Board will consider the following criteria:

- (1) There is pollution, either by natural processes or by human activity (unrelated to a specific pollution incident), that cannot reasonably be treated for industrial use using either Best Management Practices or best economically achievable treatment practices, or
- (2) The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day.