



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

### NOTICE OF AVAILABILITY FOR PUBLIC COMMENT AND NOTICE OF PUBLIC MEETING ON AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE CENTRAL VALLEY REGION TO ADD DEFINITIONS FOR THREE NEW BENEFICIAL USES- TRIBAL TRADITION AND CULTURE (CUL), TRIBAL SUBSISTENCE FISHING (T-SUB), AND SUBSISTENCE FISHING (SUB)

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (“State Water Board”) is seeking written public comments on the Central Valley Water Quality Control Board’s (“Regional Water Board”) final amendment to the Sacramento and San Joaquin River Basins and Tulare Lake Basin Water Quality Control Plans (collectively the “Basin Plans”) to add the definitions for three new beneficial uses — Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) (“Basin Plan amendment”).

#### BACKGROUND

The Regional Water Board adopted the Basin Plan amendment on February 18, 2022 by [Resolution R5-2022-0018](#). The beneficial use definitions were adopted from the statewide [“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”](#)<sup>1</sup>. The CUL beneficial use reflects uses of water that support the cultural, spiritual, and traditional ways of living by California Native American Tribes. The T-SUB and SUB beneficial uses are in recognition of 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 methylmercury.

Resolution R5-2022-0018 added only the definitions for the three new beneficial uses to the Regional Water Board’s Basin Plans. Designations of the new beneficial uses to specific waterbodies, where those uses are existing or attainable, will be considered under future basin plan amendments.

#### DOCUMENT AVAILABILITY

A link to electronic copies of the Basin Plan amendment are available on the Regional Water Board’s website at:

[www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/tribal\\_beneficial\\_uses/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/tribal_beneficial_uses/)

Alternatively, a copy of the Basin Plan amendment can also be received by mail by contacting Lauren Smitherman at (916) 464-4668.

<sup>1</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/mercury/](https://www.waterboards.ca.gov/water_issues/programs/mercury/)

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

## INSTRUCTIONS FOR SUBMITTING WRITTEN COMMENTS

Persons interested in the Basin Plan amendment are encouraged to submit comments electronically. Comment letters must be received by **12:00 noon on August 23, 2022**. Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise.

Address comments to Jeanine Townsend, Clerk to the State Water Board. Please indicate in the subject line: "**Comment Letter – Central Valley Tribal Beneficial Use Definitions**".

Written comments may be submitted electronically in pdf format (if less than 15 megabytes in total size) to the Board Clerk via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in size, then the written comments may be submitted by fax at (916) 341-5620.

Alternatively, comments may be submitted by hand delivery or mail to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor, Sacramento, CA 95814-0100 (hand delivery)  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)

Couriers delivering written comments must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

## REQUIREMENTS FOR SUBMITTING COMMENTS

In accordance with California Code of Regulations, title 23, section 3779, subdivision (f), the State Water Board may refuse to accept any comment that does not satisfy all of the following requirements:

1. Comments must specifically address the final version of the Basin Plan amendment adopted by the Regional Water Board.
2. If the Regional Water Board previously responded to a similar or identical comment, the commenter must explain why and in what manner the commenter believes each of the responses provided by the Regional Water Board to each comment was inadequate or incorrect.
3. The commenter also must include either a statement that each of the comments was timely raised before the Regional Water Board, or an explanation of why the commenter was unable to raise the specific comment before the Regional Water Board.

**NOTICE IS FURTHER HEREBY GIVEN THAT** the State Water Board will consider adopting a resolution to approve the Basin Plan amendment.

The date, time, and location of the public meeting is:

**Wednesday, September 7, 2022, 9:30 a.m.**

Coastal Hearing Room

Joe Serna Jr. – CalEPA Headquarters Building

1001 I Street, Second Floor

Sacramento, CA 95814

and via Video and Teleconference

**Video and Teleconference Option:** This meeting will occur with both a physical meeting location and an option for the public to participate from a remote location.

- For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.
- For members of the public who wish to comment on an agenda item or are presenting to the State Water Board, additional information about participating telephonically or via the remote meeting solution is available here: [https://www.waterboards.ca.gov/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/board_info/remote_meeting/)

## **PROCEDURAL MATTERS**

There will be no sworn testimony or cross-examination of participants at the public meeting. However, the State Water Board and its staff may ask clarifying questions. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time limited. For other presentation recommendations go to:

[http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

If you require language interpretation or sign language services, please email a request to Lauren Smitherman at [lauren.smitherman@waterboards.ca.gov](mailto:lauren.smitherman@waterboards.ca.gov) or (916) 464-4668 as far in advance of the meeting as possible. Telecommunications device for the hearing impaired (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

## **POTENTIAL FUTURE CHANGES TO THE NOTICED ITEMS**

Any change to the information noticed above will be provided via the State Water Board's email distribution list. Any person desiring to receive future notices must subscribe to the list serve e-mail distribution list by accessing the following e-mail list subscription form:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)

To subscribe, select "General Interests" and then "Tribal Affairs".

## PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board website:

<http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

## ADDITIONAL INFORMATION

Please direct questions about this notice to Lauren Smitherman, Senior Environmental Scientist, Supervisor, at (916) 464-4668 or by e-mail at [lauren.smitherman@waterboards.ca.gov](mailto:lauren.smitherman@waterboards.ca.gov).

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July 22, 2022  
Date

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*Jeanine Townsend*  
Jeanine Townsend  
Clerk to the Board