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

Water Boards

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

California Water Boards

- 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**

3

- 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.)

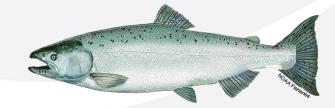
#### San Francisco Bay-Delta Watershed



#### California Water Boards

### 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





#### California Water Boards

# **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

California Water Boards

• In planning stage

6

# Lower San Joaquin River Flows/Southern Delta Salinity

7

- 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 noncommercial 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

#### Webpages:

Bay-Delta Watershed Efforts: www.waterboards.ca.gov/waterrights/wa ter\_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/wa ter\_issues/programs/bay\_delta/tribal\_co ordination.html

# Bay-Delta Notices Email Subscription List:

www.waterboards.ca.gov/waterrights/ water\_issues/programs/bay\_delta/

#### Subscribe to our Email Lists

To receive updates on the Bay Delta Notices, subscribe to the Water Rights – Bay Delta Notices email list.

Email Address: (*required*)

Your Full Name: (*required*)

(e.g. John Smith)

SUBSCRIBE

Check your email account for a confirmation email to complete your subscription.

#### California Water Boards