

# Working Meetings on Draft Sacramento/Delta Updates to Bay-Delta Plan

Working Meeting #11: Tribal Provisions



March 4, 2025

## Attendees

# Welcome to Today's Meeting

- Facilitator
  - Meagan Wylie, Zephyr Collaboration
- Presenter
  - Rob McCarthy, Division of Water Rights
- Additional Board staff from the Division of Water Rights and Office of Chief Counsel providing support
- One or two Board members may attend to observe but are not otherwise planning to participate or provide input

# Reminders

## Format

- 2-hour staff-led virtual meeting
- Staff will present key questions (provided in advance) and slides relevant to today's topic to guide discussion
- Focus only on the major provisions relevant to today's topic
- Participants must raise hand by using hand icon in Zoom or dialing \*6 on phone if calling in and wait to speak until you are called upon

## Participation Guidelines

- Use appropriate and respectful dialogue
- Stay on topic
- Share speaking time considerately
- Be as concise and specific as possible
- Be open to listening to and understanding different perspectives
- Review relevant sections of draft plan in advance
- Designate point person to speak on group's behalf, if possible
- Provide constructive input
- Avoid general comments

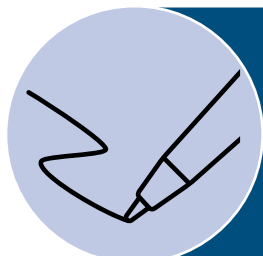
# Purpose of Today's Meeting



Discuss the tribal provisions in the October 2024 draft Bay-Delta Plan\* updates



Hear constructive input on whether and what changes should be made to specific provisions and concepts, if any



Share input with Board to inform development of revised draft Bay-Delta Plan for additional public review and comment

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

# Guiding Questions

- 1) Should the Board formally designate Tribal Tradition and Culture (CUL) beneficial uses of water in the Bay-Delta watershed as part of the Sacramento/Delta updates to the Bay-Delta Plan, and what, if any, additional information should the Board consider as part of the designation process (p. 11)?
- 2) What, if any, modifications should the Board consider to the tribal outreach and engagement provisions included in the draft Bay-Delta Plan (pp. 122-123)?
- 3) What, if any, modifications should the Board consider to the draft Bay-Delta Plan provisions for incorporating traditional ecological knowledge (TEK) and tribal feedback and perspectives into the Bay-Delta planning and implementation processes (pp. 122-123)?
- 4) What, if any, modifications should the Board consider to the draft Bay-Delta Plan provisions for engaging with and incorporating input of California Native American Tribes into VA science and implementation processes (pp. 102-103)?



# Provisions to be Discussed Today

- Consideration of formal designation of Tribal Tradition and Culture (CUL) beneficial uses in the Bay-Delta Plan
- Provisions in Bay-Delta Plan for State Water Board outreach and engagement with Tribes
- Provisions for considering and incorporating TEK in the Bay-Delta Plan
- Provisions for Voluntary Agreements (VA) parties to engage with Tribes

# Definitions of Tribal and Subsistence Fishing Beneficial Uses

- In 2017, in collaboration with California Native American Tribes and the public, the Board established and defined two tribal beneficial uses and a third subsistence fishing beneficial use
- Proposed incorporation of these beneficial use definitions in the Bay-Delta Plan
- **Tribal Tradition and Culture (CUL)** – Uses of water that support that cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes
- **Tribal Subsistence Fishing (T-SUB)** – Uses of water involving the noncommercial 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 (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

# Consideration of Designation of CUL

- Board is considering formal designation of CUL in the Bay-Delta watershed as part of the current update to the Bay-Delta Plan or through a subsequent appropriate process and is seeking public input on this matter
- CUL is being contemplated for formal designation due to the cultural importance of water and native fish and wildlife, particularly salmon, to Tribes
- Bay-Delta Plan could incidentally protect other culturally significant aspects of the watershed consistent with providing for the reasonable protection of fish and wildlife
- Individual stream segments could also be designated for T-SUB and SUB beneficial uses as appropriate by the Regional Water Quality Control Boards
- Board will work with the Regional Water Quality Control Boards to consider these designations as efficiently and expeditiously as possible



# Tribal Engagement and Traditional Ecological Knowledge

- Board to develop and regularly update a tribal engagement plan in coordination with Tribes for consultation, outreach, and engagement to incorporate tribal knowledge and perspectives into Bay-Delta Plan processes
- Board to hold tribal listening sessions at least once per year in conjunction with annual and periodic reviews to hear feedback from Tribes on the Bay-Delta Plan and its implementation
- Staff to meet more frequently with Tribes on a frequency agreeable to tribal representatives outside of formal meetings to share updates and hear feedback
- Board to form, in conjunction with Tribes, a Bay-Delta Tribal Advisory Group to provide input to the State Water Board on Bay-Delta Plan update and implementation issues and related matters
  - Composition, structure, and meeting frequency to be determined by members

# Tribal Engagement and Traditional Ecological Knowledge (cont.)

- Board to consider and incorporate TEK, tribal feedback, and perspectives shared by Tribes to inform Bay-Delta Plan updates and implementation
- If the Board develops specific policies and guidelines regarding incorporation of TEK, those policies and guidelines will be adhered to
- Board's consideration and incorporation of TEK and tribal feedback and perspectives will follow CARE principles
- To ensure adherence to the CARE principles, Board to request tribal review by the Bay-Delta Tribal Advisory Group of any Bay-Delta Plan related documents incorporating TEK and will revise documentation of TEK based on that feedback, as appropriate

# Tribal Engagement and Traditional Ecological Knowledge (cont.)

- Board will continue working to improve its tribal engagement processes using existing resources and will devote additional resources as they become available
- Board will continue to offer Tribes the opportunity to engage in formal government-to-government consultation on Board actions, policies, and processes that may affect Tribes
- Board will utilize available contracting mechanisms to support outreach and engagement with Tribes on Bay-Delta planning efforts
- Board will identify opportunities for collaboration with other State agencies, academia, and non-governmental organizations to augment tribal outreach efforts and to provide outreach and engagement training for Board staff

# Provisions for Tribal Engagement by VA Parties

- VA parties to develop tribal engagement plan in coordination with Tribes, describing specific tribal engagement opportunities related to VA milestones for approval by Executive Director prior to year one of initial eight-year term of the VAs
- Tribal engagement plan to include designation of a tribal coordinator responsible for engaging with Tribes and liaising between the VA parties and the State Water Board on tribal matters relevant to the VAs
- Tribal engagement plan to include regular tribal engagement meetings to inform tribal leaders of progress toward achieving VA objectives; and opportunities for tribal representatives to contribute feedback on VA implementation and adaptive management
- VA parties to develop TEK subcommittee of VA Science Committee, with seats for tribal members, to ensure that tribal knowledge and perspectives are considered in VA Science Committee's activities
- Executive Director to consider feedback received from Tribes on VA tribal outreach and engagement processes and may require improvements to those processes after opportunity for public comment

# Guiding Questions

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# Resources and Contact Information

- Sacramento/Delta Update to Bay-Delta Plan: [waterboards.ca.gov/bay\\_delta/comp\\_review.html](http://waterboards.ca.gov/bay_delta/comp_review.html)
- Proposed VAs: [waterboards.ca.gov/bay\\_delta/proposed\\_voluntary\\_agreements.html](http://waterboards.ca.gov/bay_delta/proposed_voluntary_agreements.html)
- Bay-Delta Watershed: [waterboards.ca.gov/bay\\_delta/](http://waterboards.ca.gov/bay_delta/)
- Email: [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov)



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# Prior Meetings

<b>Jan. 28</b>	<i>Inflow Objective and Program of Implementation</i>	<b>Feb. 13</b>	<i>Provisions for Continuation, Modification, or Termination of VAs*</i>
<b>Jan. 29</b>	<i>Cold Water Habitat Objective and Program of Implementation</i>	<b>Feb. 19</b>	<i>VA* Habitat Commitments and Accounting Provisions</i>
<b>Jan. 30</b>	<i>Inflow-Based Delta Outflow Objective and Program of Implementation</i>	<b>Feb. 20</b>	<i>Monitoring and Evaluation for VA* Provisions</i>
<b>Feb. 4</b>	<i>Methodology to Determine Water Unavailability and Implement Bay-Delta Plan</i>	<b>Feb. 27</b>	<i>VA* Flow Commitments and Accounting</i>
<b>Feb. 5</b>	<i>Monitoring and Evaluation for Regulatory Provisions</i>	<b>Mar. 4</b>	<b>Tribal Provisions</b>

*\*Voluntary Agreements, also referred to as the Healthy Rivers and Landscapes Proposal*