

# Tribal Beneficial Uses

## Cultural Uses of Water

Adriana Renteria, Tribal Liaison

Moisés Moreno-Rivera

Itzel Vasquez-Rodriguez

Chuck Striplen





# Overview

- CA Water Boards overview
- Basin Planning Process
- Tribal Beneficial Uses Explanation
- How California Native American Tribes can be involved
- Regional Water Board Updates
- Questions
- Contact Information



This is a photo of the Tubatulabal Tribe's Spring Ceremonial Basket, courtesy of the Tubatulabal Tribe.



Office of Governor  
**GAVIN NEWSOM**



Office of the  
**Tribal Advisor**



**CalEPA**  
California Environmental  
Protection Agency



Department of  
Toxic Substances  
Control



**OEHHA**  
SCIENCE FOR A HEALTHY CALIFORNIA



**CALIFORNIA WATER BOARDS**

**TRIBAL BENEFICIAL USES**





## Water Board's Mission Statement

*"Preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations."*



# What does the State Water Board do?

## **Protecting Water Quality**

- Implements the Federal Clean Water Act & Porter-Cologne WQ Control Act
- Establishes water quality standards
- Develops statewide water quality protection plans & policies

## **Safe and Affordable Drinking Water**

- Sets drinking water regulatory standards
- Regulates and ensures drinking water safety

## **Regulating Waters of the State**

- Allocates surface water rights
- Coordinates with Regional Water Quality Control Boards

## **Agencywide Tribal Affairs program coordination**



# What do the Regional Boards do?

## Protecting Water Quality

- Develop and enforce regional water quality objectives
- Develop Basin Plans (utilizing beneficial uses)
- Monitor water quality

## Regulate and Enforce Requirements

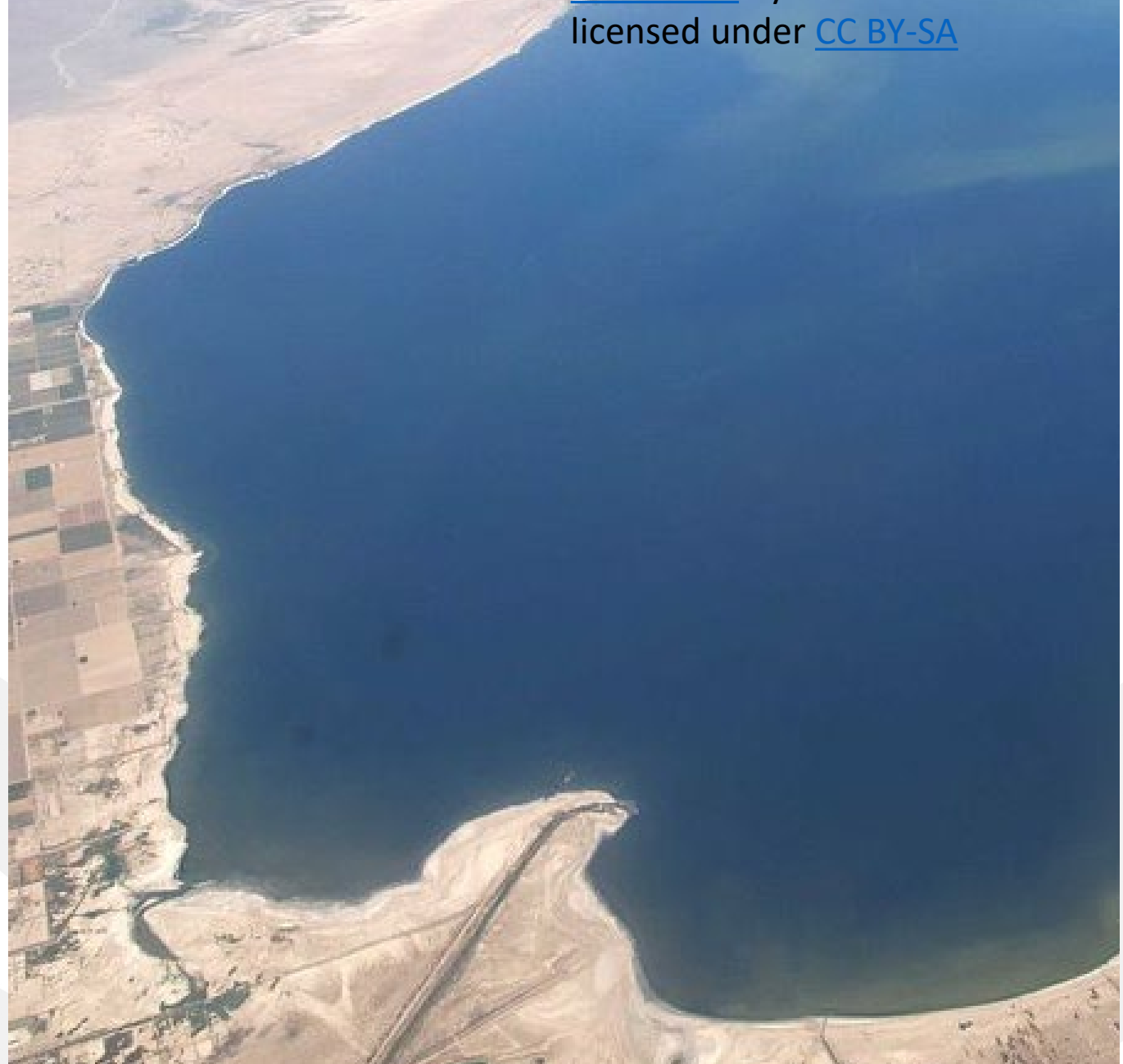
- Determine compliance with requirements
- Issue waste discharge permits
- Take enforcement actions against violators





# Water Quality Control Plan (Basin Plan)

- Beneficial use definitions
- Designated beneficial uses
- Water quality objectives
- Implementation plans
- Monitoring





# Tribal Beneficial Uses

Tribal Subsistence Fishing (T-SUB)

Tribal Tradition and Culture (CUL)

\*Subsistence Fishing (SUB)



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## 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.

## 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.

**\*Subsistence Fishing (SUB)**

# Purpose of Tribal Beneficial Uses

- Help protect activities specific to Native American Culture and their historic uses of CA waters, including practices not covered by existing beneficial uses
- Current discharge requirements may not be sufficient
- Ensure that appropriate water quality objectives apply







# How can California Native American Tribes be Involved?



# Questions to Consider

- Is your Tribe doing water monitoring?
- Do you submit your water quality data to WQX or CEDEN?
- Has your Tribe identified waterbodies where Tribal Beneficial Uses occur that you would like the state to designate TBUs (through the Triennial Review process)?
- Has your Tribe identified your beneficial uses?
  - Do you know the water quality objectives for those beneficial uses?
  - Do you know the numeric and narrative criteria for those beneficial uses?



# Why be involved in this process

## Public Health:

“California Tribes have been fishing and eating fish for far longer than California has existed. Although practices, fishing areas, fished species, and amounts of fish eaten may have changed over time, the cultural and dietary importance of fish has not.”

**Excerpt from the “California Tribes Fish-Use: Final Report”,** Fraser Shilling, April Negrette, Lori Biondini, and Susana Cardenas (UC Davis) July, 2014

[https://www.waterboards.ca.gov/water\\_issues/programs/mercury/docs/tribes %20fish use.pdf](https://www.waterboards.ca.gov/water_issues/programs/mercury/docs/tribes_%20fish_use.pdf)

## Subsistence and Cultural Resource Protection:

Tribes can request that analyses of threats to Tribal Subsistence and Cultural Resources take place through State regulatory or permitting actions (e.g. TMDLs or discharge permits). Tribes' own water quality standards, beneficial use definitions, and thresholds can be part of these analyses. Klamath TMDL (Ch. 2) provides a good example:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/klamath\\_river/100927/staff\\_report/03\\_Ch2\\_ProblemStatement.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/klamath_river/100927/staff_report/03_Ch2_ProblemStatement.pdf)

By using these definitions strategically, permits and other regulatory instruments can be strengthened to be more protective of Tribal waters and resources.

# Moving Forward to Develop Tribal Beneficial Uses

- Work with your Tribe and Elders to determine historical and current traditional uses of water
- Identify exposures due to traditional activities, contract for Risk Assessments
- Shape your 106 Water Monitoring Program (if applicable) to collect data to show compliance or impairment
- Consider adding TBUs to current and future grant applications
- Share your ideas with the Regional Board(s) – next slide



# Working with the Regional Boards

Contact your **Regional Tribal Coordinator(s)** to:

- Notify them if you think Tribal Beneficial Uses (TBUs) should be prioritized as a project, preferably in writing
- Get an update on their Triennial Review or Basin Planning process
- Share water quality concerns or needs
- Ask any questions related to TBUs

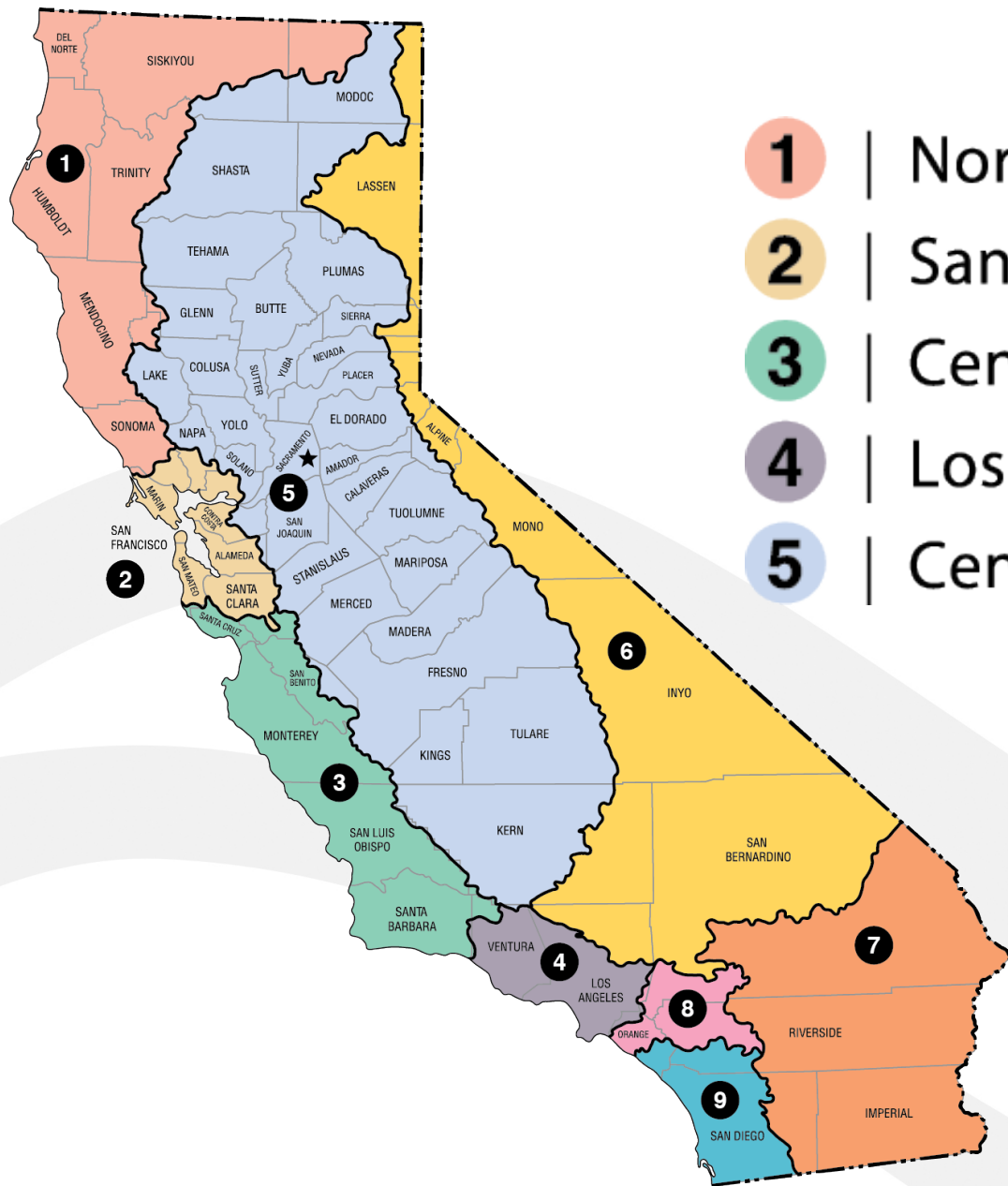


# Regional Water Board Updates on TBUs

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- |          |  |                   |          |  |                      |
|----------|--|-------------------|----------|--|----------------------|
| <b>1</b> |  | North Coast       | <b>6</b> |  | Lahontan             |
| <b>2</b> |  | San Francisco Bay | <b>7</b> |  | Colorado River Basin |
| <b>3</b> |  | Central Coast     | <b>8</b> |  | Santa Ana            |
| <b>4</b> |  | Los Angeles       | <b>9</b> |  | San Diego            |
| <b>5</b> |  | Central Valley    |          |  |                      |

# Tribal Affairs Information and Contacts

## Tribal Affairs Website

- [https://www.waterboards.ca.gov/about\\_us/public\\_participation/tribal\\_affairs/](https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/)

## Regional Board Tribal Affairs Contact Information

- [https://www.waterboards.ca.gov/about\\_us/public\\_participation/tribal\\_affairs/tribal\\_contacts.html](https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/tribal_contacts.html)

Adriana Renteria, Tribal Liaison

[Tribal-Liaison@waterboards.ca.gov](mailto:Tribal-Liaison@waterboards.ca.gov)

[Adriana.renteria@waterboards.ca.gov](mailto:Adriana.renteria@waterboards.ca.gov)





# Questions?

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# Thank You!