

# CalEPA Tribal Advisory Committee

## May—September 2024: Water Boards Report

### Engagement & Key Priority Projects

#### California Salmon Strategy

In January, Governor Newsom announced the state's first strategy to protect salmon from hotter and drier conditions exacerbated by climate change and to restore salmon populations. The strategy comes as a result of several years of declining populations, and recognition by state and tribal leaders that salmon are central to the cultural traditions, health, and subsistence of California Tribes. The strategy outlines 71 actions around six key priorities, including:

1. Removing barriers and modernizing infrastructure for salmon migration
2. Restoring habitat
3. Protecting water flows in key rivers at the right times
4. Modernizing hatcheries
5. Transforming technology and management systems
6. Strengthening partnerships

The sixth priority specifically focuses on the State's relationships with tribes and native communities, who are driving policy, science, and restoration work. Recently, state agencies have partnered with tribes to begin removing the Klamath dams, bring salmon back to the McCloud River, and have invested in tribally-led restoration projects with the Yurok and Karuk tribes. A big area of the Water Boards will include development of instream flows for watersheds such as: Scott and Shasta Rivers and Mill, Deer, and Antelope creek among others.

CDFW has provided [flow recommendations](#) for Mill, Deer, and Antelope Creeks intended to protect habitat for migrating Chinook and Steelhead. State Water Board staff will review the recommendations and their scientific basis in protecting beneficial uses. Materials produced from that review will be posted on this webpage when available.

For more information on the Salmon Strategy, visit: <https://www.gov.ca.gov/wp-content/uploads/2024/01/Salmon-Strategy-for-a-Hotter-Drier-Future.pdf>

#### Rulemaking to Make Conservation a California Way of Life

On July 3, the State Water Board adopted new regulations that will boost water resilience by setting efficiency goals for large urban water suppliers, which serve 95% of Californians. When combined with other ongoing actions, these regulations are expected to save 500,000 acre-feet per year by 2040. The permanent regulation builds on emergency temporary regulations that were adopted in 2022, and follows extensive participation from water suppliers, non-governmental groups and the public. The

regulation will go into effect in January 2025, with some suppliers required to cut back on deliveries by as much as 30% by 2027. All relevant documents, updates, and email sign-up can be found on the [rulemaking webpage](#).

## Scott and Shasta Emergency Regulations

On May 10, 2021, Governor Newsom declared a [drought emergency](#) for 41 counties, including Siskiyou County, where accelerated action is needed to protect public health, safety, as well as the environment. During winter 2023, California received above-average precipitation across many parts of the state. On March 24, 2023, Governor Newsom signed an [executive order](#) removing emergency drought provisions in select watersheds. In the winter of 2022 and 2023, the Scott River (Scott) and Shasta River (Shasta) watersheds did not receive the same degree of precipitation as other parts of the state. The Klamath River watershed was not included in this order and is still subject to the 2021 drought proclamation and emergency provisions. On May 23, 2023, the Karuk Tribe of California, Environmental Law Foundation, Pacific Coast Federation of Fishermen's Associations, and Institute for Fisheries Resources submitted a petition for rulemaking to the State Water Board requesting a permanent regulation establishing minimum flows in the Scott.

After an August 15, 2023, hearing on the petition, the State Water Board directed Division of Water Rights staff to

- *Move forward with an emergency regulation.*
- *Identify the scientific work needed to pursue long-term flows in the Scott River and Shasta River watersheds and update the Board on that work.*

On December 19, 2023, the State Water Board adopted a new emergency regulation for the Scott and Shasta River Watersheds. The Office of Administrative Law approved the emergency regulation on February 1, 2024, and is in effect for one year, unless re-adopted or rescinded. The regulations establish a process for determining whether flows in the watershed are sufficient to support all water rights and authorize curtailments of diversions where flows are insufficient to protect fish and minimum health and safety needs. The emergency regulations provide for local cooperative solutions (LCSs), which allow water right holders to propose alternatives to curtailments. Local cooperative solutions may be watershed-wide, tributary-wide, related to an individual water right, or related to adjudicated groundwater. On March 12, State Water Board staff provided an overview of the on the local cooperative solutions in Etna, CA. On February 15th, Water Board staff hosted a webinar on the Scott Valley Integrated Hydrologic Model (SVIHM), a new model developed to support water management in the Scott Valley.

The Scott and Shasta are important tributaries to the Klamath River, the second largest river in California. These rivers are crucial sources of water for Siskiyou County and have immense economic, ecological, and cultural importance. Siskiyou County is home to 43,500 people. The Scott and Shasta watersheds provide water for agriculture, domestic users, the environment, fire protection, municipalities, Tribal Nations, and recreation.

For more information, visit:

[https://www.waterboards.ca.gov/drought/scott\\_shasta\\_rivers/](https://www.waterboards.ca.gov/drought/scott_shasta_rivers/)

## Clear Lake Chi

In late 2022, the State Water Board began actively working with the Pomo tribes of the Clear Lake area and other state and federal agencies to respond quickly to protect the Clear Lake hitch from extinction. The hitch is a California threatened species and this spring spawning period between February and May 2023 will be critical to its survival. The State Water Board is looking for ways to protect the Clear Lake hitch now and in the long term, and are taking the following actions: 1) encouraging local voluntary actions to keep water in the creeks this year, 2) obtaining data to better understand the problem and potential solutions, 3) supporting collaboration to fund effective solutions and spread important messages, 4) taking enforcement actions to ensure all diversions in the area are legal, and 5) developing regulations if voluntary actions aren't successful. On March 7, the State Water Board held a board item on the Hitch which included panel speakers from the Big Valley Band of Pomo Indians, Robinson Rancheria, as well as other state and local agency representatives.

Staff held in person workshops in Clear Lake in October as well as a virtual workshop. In December 2023, the Board adopted emergency regulations for the Clear Lake watershed that will be in effect for one year from January 22, 2024. The emergency regulations require water users in the Clear Lake watershed to certify their water use type and share measurements and extraction data through July. Information orders were issued to 2500 properties in January and will continue to be issued through April. Compliance deadlines vary depending on water use type, and the Board will be able to report out data starting next quarter.

The Water Boards are continuing to coordinate with tribes, Lake County officials, state and federal agencies, agricultural groups, and other interested parties on the Clear Lake hitch emergency. Board staff are utilizing funding received last year to work with tribal partners to install flow monitors in the region. Along with CNRA and CDFW, Board staff are assisting tribes with an application for a \$10-20M grant from USEPA Environmental and Climate Justice Community Change Grant Program. Board staff are also identifying where additional capacity and support will be needed should they receive the grant.

For more information, visit: [www.waterboards.ca.gov/clearlakehitch/](http://www.waterboards.ca.gov/clearlakehitch/)

## Bay Delta Plan

In late 2022, the State Water Board began preparing a Staff Report/Substitute Environmental Document to update the Bay Delta Plan. The Bay-Delta Plan is a plan that identifies beneficial uses of water in the Bay-Delta watershed, water quality

objectives for the reasonable protection of those beneficial uses, and a program of implementation to achieve those objectives. The project team sent notification letters to over 100 tribes with the opportunity to consult on the Bay Delta Plan update. Notification letters were sent under either AB 52 or the Native American Heritage Commission list. In March, State Water Board hosted a listening session for California tribes and a separate listening session for environmental justice representatives and members of the public. A second tribal listening session took place on May 4th and a second environmental justice focused workshop took place on May 23<sup>rd</sup>. On July 7, the Board held an informational item to discuss the incorporation of tribal beneficial uses into the Bay Delta Plan. A panel of tribal representatives shared testimonies on the importance of incorporating tribal beneficial uses into the Bay Delta Plan. In late 2023, the Board released the Draft Staff Report and in December, the Board held a series of public hearings to receive comments on the Draft Staff Report. In April, the Board held a series of workshops focused on the Voluntary Agreements proposal with the purpose of receive input and answer questions on the Voluntary Agreements proposal. A number of tribal leaders and representatives provided testimony, presentations, and spoke on panels at both the December hearings as well as the April workshops on the Voluntary Agreement proposal.

A Program of Implementation, which comprises the regulatory text and voluntary agreements, is planned to be released in September and be followed by a 90 day comment period. During this time, Water Board staff will hold several public workshops, and will likely hold separate meetings for tribes and community groups. The State Water Board will likely consider adoption of the Program of Implementation in mid-2025. As a reminder, workshops do not replace consultations. The State Water Board has sent out letters with an opportunity to consult on the Bay Delta, and we welcome requests for government-to-government consultations. For more information on the Bay-Delta Plan, visit: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

## **Sustainable Groundwater Management Act**

In March 2023 the Department of Water Resources determined six subbasins have inadequate groundwater sustainability plans, meaning they are not sufficient to meet the sustainability objectives outlined in the Sustainable Groundwater Management Act (SGMA) in three key areas: groundwater levels, land subsidence, and water quality. The State Water Board is intervening to manage these basins and will determine their status through a series of probationary hearings. Through the intervention process, the Board will identify each plan's deficiencies and actions that groundwater sustainability agencies can take to address them. These subbasins include:

- Tulare Lake Subbasin in Kings County
- Tule Subbasin in Tulare County
- Kaweah Subbasin in Tulare and Kings Counties
- Kern Subbasin in Kern County

- Delta-Mendota Subbasin in San Joaquin, Stanislaus, Merced, Fresno, Madera, and San Benito Counties
- Chowchilla Subbasin in Madera and Merced Counties

State Water Board staff are hosting workshops and hearings for the first three basins:

- Tulare Lake: Draft staff report was released in October, followed by two public workshops in November. The State Water Board designated the subbasin as probationary at the hearing on April 16<sup>th</sup>, after which the reporting and fee requirements were announced.
- Tule: Draft staff report was released in March 2024, public workshops held April 5<sup>th</sup> and 8<sup>th</sup> in Porterville: The probationary hearing is scheduled for September 17<sup>th</sup>
- Kaweah: Draft staff report was released in May, and the deadline for written comments is noon on July 8<sup>th</sup>. Public workshops were held June 24 (online) and June 27 (in person in Visalia). The probationary hearing is scheduled for January 7<sup>th</sup>, 2025.
- Kern: Public workshops were held August 26<sup>th</sup> (virtually) and August 29<sup>th</sup>.

Prior to each hearing, staff will issue a public notice, hold public workshops, and accept public comments. Tribes that are located within the boundaries of a groundwater basin whose plan has been deemed as inadequate will receive letters from the State Water Board with the opportunity to consult. More information and updates are available at: [waterboards.ca.gov/sgma](https://waterboards.ca.gov/sgma)

## SWAMP Bioaccumulation Monitoring Program

### San Francisco Region Realignment (2024-2026)

In 2024, the three-year Realignment Process began in the [San Francisco Region](#), and will complement other efforts such as regional monitoring plans, fish consumption advisory development, and the Region's [tribal beneficial use designation process](#). Three advisory workshops were held between Feb and Mar 2024 to kick-off the process and begin discussing data and information gaps that tribes and community-based organizations in the Region would like to see filled through the Realignment and other SWAMP Bioaccumulation Monitoring Program efforts over the coming years. Based on the feedback that was received, a draft 2025 monitoring plan is in development and will be discussed at future workshops later this year (Aug-Oct, TBD). Tribes within the San Francisco Region with questions about this effort or who would like to participate in future Advisory Workshops – please contact Anna Holder, Realignment Program Coordinator, at [anna.holder@waterboards.ca.gov](mailto:anna.holder@waterboards.ca.gov) For more information, visit the [Program Realignment Webpage](#).

### Tribally-centered Bioaccumulation Monitoring Training Series

The [SWAMP Bioaccumulation Monitoring Program](#), in partnership with [California Indian Environmental Alliance](#), will be offering a tribally-centered Bioaccumulation Monitoring Training Series in 2024. The purpose of this training series is to support California Native American Tribes in developing programs in the areas of bioaccumulation monitoring, data analysis, and data use processes, and enable Tribes and other bioaccumulation monitoring groups to adopt those processes into their workflows and more easily partner with the Program and the [Safe to Eat Workgroup](#).

Three courses were offered between Jan – Mar 2024:

- Jan 30, 2024: Intro to the Bioaccumulation Monitoring Program and STEW - [Slides](#) | [Recording](#)
- Feb 20, 2024: Bioaccumulation monitoring study design & preparation - [Slides](#) | [Recording](#)
- Mar 19, 2024: Bioaccumulation monitoring sample collection protocols & processing - [Slides](#) | [Recording](#)

If you attended a training or reviewed resources after a training - please consider [completing this survey](#) to share your feedback with us so we can continue to improve future trainings! The next training will be offered in Sep and will be announced in August via the California Water Board's [Tribal Matters](#) and [Safe to Eat Workgroup](#) email lists.

For more information, visit the [Training Series Webpage](#).



## Tribal Beneficial Uses

The Water Boards recognize our parallel relationship to the people we serve, and we value tribes’ traditional ecological knowledge and historic experience with managing California’s water resources since time immemorial. To recognize the unique ways that tribes and tribal communities utilize water, the State Water Board adopted definitions for Tribal Beneficial Uses of water in 2017. Tribal Beneficial Uses provide a water quality safety measure that considers the specific uses of water by individuals, households, or communities of California tribes. The nine Regional Water Boards are all at different stages of working with tribes to protect water quality for tribal tradition, culture, and subsistence fishing. Four Regional Water Boards have adopted Tribal Beneficial Use definitions into their basin plans and the Lahontan Regional Water Board has begun the process of a developing a basin plan amendment to designate Mono Lake and its tributaries with Tribal Beneficial Uses.

### Statewide Tribal Beneficial Uses Updates:

Region / Division	Current Status
Region 1— North Coast	In 2003, the State Water Board approved the North Coast Regional Water Board’s definitions that protect Native American Culture and Subsistence Fishing. These definitions were developed in partnership with tribes within the North Coast and predate the tribal beneficial use definitions adopted by the State Water Board in 2017. The 2023 Triennial Review Draft Staff Report reaffirms the priority status of tribal beneficial uses and is scheduled for a North Coast Regional Water Board Hearing in April 2024. The North Coast Region is currently collaborating with tribes to provide input and guidance on whether existing North Coast Regional Water Board or State Water Board definitions would better serve their needs.
Region 2— San Francisco Bay	The San Francisco Bay Regional Water Board’s 2021 Triennial Review identified tribal and subsistence beneficial uses designations as a priority project for the next three years. Five tribes submitted letters of support during the Triennial Review and five tribes have consulted with the San Francisco Bay Regional Water Board. Currently working to engage with tribes and adopt tribal beneficial use definitions into the basin plan. A draft tribal cultural use basin plan amendment is expected by the end of the calendar year 2024.
Region 3— Central Coast	The Central Coast Regional Water Board adopted <a href="#">Racial Equity Resolution No. R3-2023-0002</a> which directs staff to prioritize the process to adopt Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses into the Water Quality Control Plan for the Central Coast Basin. The Central Coast Regional Water Board will consider adopting a Basin Plan amendment to include TBU definitions at the <a href="#">June, 2024 meeting</a> .
Region 4— Los Angeles	The Los Angeles Regional Water Board’s adoption of tribal beneficial use definitions into the Region’s basin plan was approved by the State Water Board and Office of Administrative Law on October 18, 2022, and April 3, 2023,

	respectively. The Los Angeles Region is currently consulting with tribes and expanding tribal engagement throughout the region.
Region 5— Central Valley	The Central Valley Regional Water Boards’s adoption of Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing beneficial use definitions into the Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan was approved by State Water Board on September 7, 2022. Staff submitted the tribal beneficial uses definitions Administrative Record to the Office of Administrative Law on October 30, 2023 and upon approval will be submitted to U.S. EPA for review and approval. The Central Valley Region is continuing to consult with individual tribes who submitted, or are planning to submit, tribal beneficial use designation requests and will continue to host semi-annual, tribal-only project update meetings.
Region 6— Lahontan	The Lahontan Water Board incorporated tribal beneficial use definitions into the Region’s basin plan in 2021. Designating tribal beneficial uses was assigned a high priority for the 2022 Triennial Review. A Basin Plan Amendment to designate tribal beneficial uses in the Mono Lake Basin (Mono Basin BPA) is being developed in coordination with the Mono Lake Kutzadika’a and other local tribes. Staff held a California Environmental Quality Act (CEQA) scoping meeting on February 9, 2023, to receive input on the scope of the environmental analysis for the Mono Basin BPA. In December 2023, Lahontan Regional Water Board staff held two tribal listening session (hosted by the Bishop Paiute Tribe) to discuss progress and challenges in developing tribal beneficial uses. The first listening session was with the members of the Mono Lake Kutzadika’a Tribe and focused on progress and challenges in developing the Mono Lake Basin tribal beneficial use designations. The second listening session included members of the Mono Lake Kutzadika’a, the Bishop Paiute Tribe, Big Pine Paiute Tribe, and the Lone Pine Paiute Tribe and included discussion on the Mono Lake Basin tribal beneficial use designations as well as future tribal beneficial use designations outside of the Mono Lake Basin. The Lahontan Water Board held a public hearing to receive comments on the Mono Basin BPA in April 2024, and will consider adoption of the Mono Basin BPA at a subsequent Board Meeting.
Region 7— Colorado River	The Colorado River Regional Water Board is in the public process for the Tribal Beneficial Uses, Statewide Mercury Provisions, and Administrative Updates Basin Plan Amendment. Staff held a workshop during the April 9, 2024 board meeting. A 30-day comment period ran from March 25, 2024 to April 26, 2024. No comments were received during the comment period or workshop. An adoption hearing for the basin plan amendment is scheduled for June 11, 2024.
Region 8— Santa Ana	The Santa Ana Regional Water Board’s 2024 Triennial Review is currently in progress. The Santa Ana Region plans to adopt TBU definitions into the Region’s basin plan and engage with tribes as part of the basin plan amendment process.
Region 9— San Diego	The San Diego Regional Water Board’s 2021 Triennial Review prioritized designating waters with tribal beneficial uses as a priority project. In 2021, State Water Board approved adoption of tribal beneficial uses definitions for San Diego Regional Water Board Basin Plan. A Tribal Beneficial Uses Work Group consisting



	of tribal representatives and Regional Board staff have met monthly in 2023 to work on designating San Diego region surface waters with CUL and T-SUB uses.
Division of Water Rights—Bay Delta Plan	Incorporation of tribal beneficial uses were included as part of the Draft Staff Report in support of proposed updates to the Bay-Delta Plan for the Sacramento/Delta. Tribal panel presentations provided input and feedback directly to the Board on the first day of public hearing, November 17, 2023. The comment period closed on January 19, 2024.

Tribal Beneficial Uses resources:

- [Regional tribal coordinator contact information](#)
- [Tribal Beneficial Uses webpage](#)

## Available Funding Programs

Funding Program	What's funded	Link
<b>SAFER Drinking Water Program</b>	<ul style="list-style-type: none"> <li>• Emergency drinking water (e.g., bottled water or hauled water),</li> <li>• Temporary connection to safe drinking water sources,</li> <li>• Point-of-use or point-of-entry treatment systems,</li> <li>• Technical assistance with planning, budgets, and review of proposed project alternatives,</li> <li>• Compliance audits and troubleshooting to address permit violations or operations,</li> <li>• Assistance with community outreach, awareness, and education,</li> <li>• Training and developing technical and managerial staff,</li> <li>• Operations and maintenance costs,</li> <li>• Drinking water infrastructure improvements and upgrades,</li> <li>• Drilling wells into uncontaminated aquifers, and</li> <li>• Consolidation and regionalization (e.g., linking smaller systems into larger ones).</li> </ul>	<a href="#">Link</a>
<b>Clean Water State Revolving Fund (CWSRF)</b>	<ul style="list-style-type: none"> <li>• Provides low-cost financing for a variety of water quality projects.</li> <li>• Capable of financing projects from &lt;\$1 million to &gt;\$100 million.</li> </ul>	<a href="#">Link</a>
<b>Domestic Wells and State Small Water Systems</b>	<ul style="list-style-type: none"> <li>• Support state small water systems, domestic wells, and other self-supplied communities.</li> </ul>	<a href="#">Link</a>
<b>Drinking Water State Revolving Fund (DWSRF)</b>	<ul style="list-style-type: none"> <li>• Finances the cost of drinking water infrastructure projects needed to achieve or maintain compliance with Safe Drinking Water Act (SDWA) requirements for public water systems.</li> </ul>	<a href="#">Link</a>
<b>Drought Response Funding</b>	<ul style="list-style-type: none"> <li>• Drought-related urgent drinking water needs.</li> <li>• Long-term resilience planning and implementation.</li> </ul>	<a href="#">Link</a>
<b>Office of Sustainable Water Solutions Small Community Funding Program</b>	<ul style="list-style-type: none"> <li>• For small, disadvantaged communities and small severely disadvantaged communities.</li> <li>• Provides low-interest loans and other financing mechanisms, such as grants or</li> </ul>	<a href="#">Link</a>

	principal forgiveness for the planning, design and construction of drinking water infrastructure projects, including: treatment systems, distribution systems, interconnections, consolidations, pipeline extensions, water sources, and water meters.	
<b>Per- and Polyfluoroalkyl Substances (PFAS) Funding</b>	<ul style="list-style-type: none"> <li>• Available for technical and financial assistance to drinking water systems to address PFAS in their water drinking water supply</li> </ul>	<a href="#">Link</a>
<b>Stormwater</b>	<ul style="list-style-type: none"> <li>• Stormwater and dry weather runoff projects that best advance the Water Board's policy goals of improving water quality and realizing multiple benefits from the use of storm water and dry weather runoff as a resource.</li> </ul>	<a href="#">Link</a>
<b>Technical Assistance</b>	<ul style="list-style-type: none"> <li>• For small, disadvantaged, communities (DACs)</li> <li>• Develop, fund, and implement eligible drinking water, wastewater, stormwater, or groundwater needs.</li> <li>• Coordination and development of capital improvement projects, facilitation of operation and maintenance, engineering and environmental analysis, legal assistance, leak detection/water audits, compliance audits, financial analysis, technical managerial and financial (TMF) assessments, and board or operator training.</li> </ul>	<a href="#">Link</a>
<b>Wastewater</b>	<ul style="list-style-type: none"> <li>• Strategies to assist small and/or disadvantaged communities with wastewater needs.</li> </ul>	<a href="#">Link</a>

### For more information:

- Tribal Liaison: [Adriana.Renteria@waterboards.ca.gov](mailto:Adriana.Renteria@waterboards.ca.gov)
- General email: [Tribal-Liaison@waterboards.ca.gov](mailto:Tribal-Liaison@waterboards.ca.gov)
- Tribal affairs website: [bit.ly/TribalAffairs](http://bit.ly/TribalAffairs)