



# CALIFORNIA WATER BOARDS

## TRIBAL BENEFICIAL USES

### Tribal Beneficial Uses Fact Sheet

*Since time immemorial, California Native American Tribes have used, and in some cases continue to use, water to support their cultural, spiritual, ceremonial, and/or traditional rights. Tribal Beneficial Uses provide a water quality safety measure that considers these specific uses of water by individuals, households, or communities of California Tribes. This fact sheet explains Tribal Beneficial Uses and encourages California Tribes and tribal communities to participate in the related basin-planning process.*

#### **What are Beneficial Uses?**

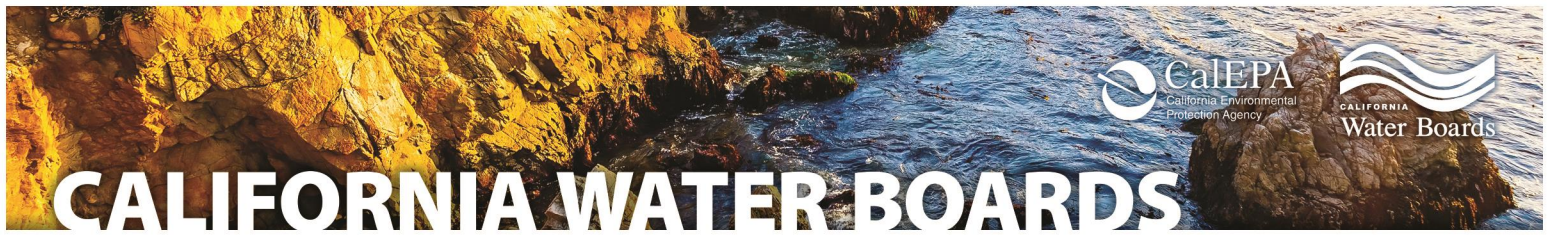
Beneficial uses are goals the California Water Boards designate to ensure Californians have access to the highest water quality and can use it for maximum benefit. There are an array of beneficial uses including, but not limited to: recreation; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. For more information on beneficial uses, please visit: [waterboards.ca.gov/tribal\\_affairs/](http://waterboards.ca.gov/tribal_affairs/)

#### **What are Tribal Beneficial Uses?**

Tribal Beneficial Uses are a group of beneficial uses that can help protect activities specific to Native American cultures and their uses of California waters, including the consumption of non-commercial fish or shellfish. Tribal Beneficial Uses can also be referred to as cultural uses of water.

#### **What is the purpose of the Tribal Beneficial Uses?**

California Native American Tribes use California's surface waters in a manner unique to tribal culture, tradition, ceremonies, and lifeways. Tribal Beneficial Uses provide a way to adequately protect certain uses of water that directly relate to Native American cultures. In some cases, the levels of waste allowed to be released into California waters (discharge requirements) or existing water quality standards may not adequately protect Tribal Beneficial Uses. To account for this, in 2017 the State Water Board identified and described beneficial uses unique to California Native American Tribes, in addition to subsistence fishing by other cultures or individuals.



## How are the Tribal Beneficial Uses defined?

The beneficial uses definitions established by the State Water Board in 2017 are the following:

**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):** 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.

## What are Basin Plans?

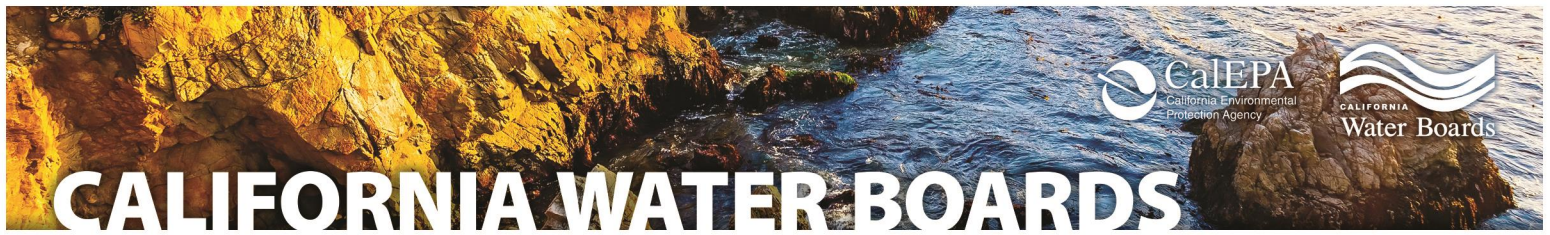
Basin Plans are the foundation for the Regional Water Boards' water quality regulatory programs and are regulatory references for meeting the state and federal requirements for water quality control. They provide a plan of actions designed to preserve and enhance water quality and require public participation. Each Regional Water Board has their own Basin Plan(s). Basin Plans contain:

- Beneficial use definitions;
- Designated beneficial uses for both surface and groundwater bodies;
- Water quality objectives to protect those beneficial uses;
- Implementation plans that describe the actions necessary to achieve water quality objectives; and
- Descriptions of the surveillance and monitoring activities needed to determine regulatory compliance and assess the health of the water resources.

The nine Regional Water Boards are required to develop and adopt Basin Plans (commonly referred to as "water quality control plans"). The Regional Water Boards review their Basin Plans every three years and determine a list of basin-planning priority projects (a process known as the "triennial review"). The Regional Water Boards implement their priority planning projects by amending their respective Basin Plans.

## How are Tribal Beneficial Uses memorialized in each Region?

Although the State Water Board established the Tribal Beneficial Uses in 2017, the nine Regional Water Boards must initiate and complete a basin-planning process for the beneficial



uses to be incorporated into their respective Basin Plans. However, incorporating the Tribal Beneficial Uses in the Basin Plan does not designate any specific waterbodies with the use. For Tribal Beneficial Uses to be memorialized in a region and for waterbodies to be protected, there are several basin-planning actions a Regional Water Board could take, including:

1. Add one or more of the beneficial use definitions to the Basin Plan;
2. Designate one or more water bodies with one or more of those beneficial uses;\*
3. Add one or more of the beneficial use definitions to the Basin Plan *and* designate one or more water bodies with one or more of those beneficial uses.\*

\*A Regional Water Board could consider designation during another basin-planning activity.

### **How are waterbodies designated with one of the new beneficial uses?**

Incorporating the new beneficial uses and their definitions does not automatically designate those beneficial uses to any particular waterbody. Designating new beneficial uses to specific waterbodies is primarily the responsibility of the Regional Water Boards and requires a public process. Generally, the Regional Water Boards designate specific waterbodies within their region where the use applies. When determining what designations to make, the Regional Water Boards will consider all of the evidence in the record and may consider whether the beneficial use is an existing use or a probable future use.

### **How can California Tribes and tribal members get involved?**

The nine Regional Water Boards are in different stages of their Basin Plan amendment processes to include the Tribal Beneficial Uses and designate surface waters. Below are ways to get involved:

- Contact your Regional Water Board Tribal Coordinator(s) to set up a time to meet and learn about Tribal Beneficial Uses efforts and timeframes in your region.
- Share information about Tribal Beneficial Uses with your Tribal Council and/or community.
- Submit a letter of support to a Regional Water Board, attend a Regional Water Board meeting, and encourage your Tribe or allies to submit letters of support.

**To learn more, visit the California Water Boards Tribal Beneficial Uses website:**  
[waterboards.ca.gov/tribal\\_affairs/beneficial\\_uses.html](http://waterboards.ca.gov/tribal_affairs/beneficial_uses.html)

*This informational sheet has been modified for clarity and does not to create or alter any legal requirements. Nothing in this informational sheet shall be interpreted to prevent the California Water Boards or California Environmental Protection Agency from taking timely action to fulfill legal obligations to protect public health and the environment. **Updated November 2020.***