

# Process towards Tribal Beneficial Uses: Tribal Cultural and Subsistence Fishing

October 29, 2025

# Clean Water Act & Beneficial Uses

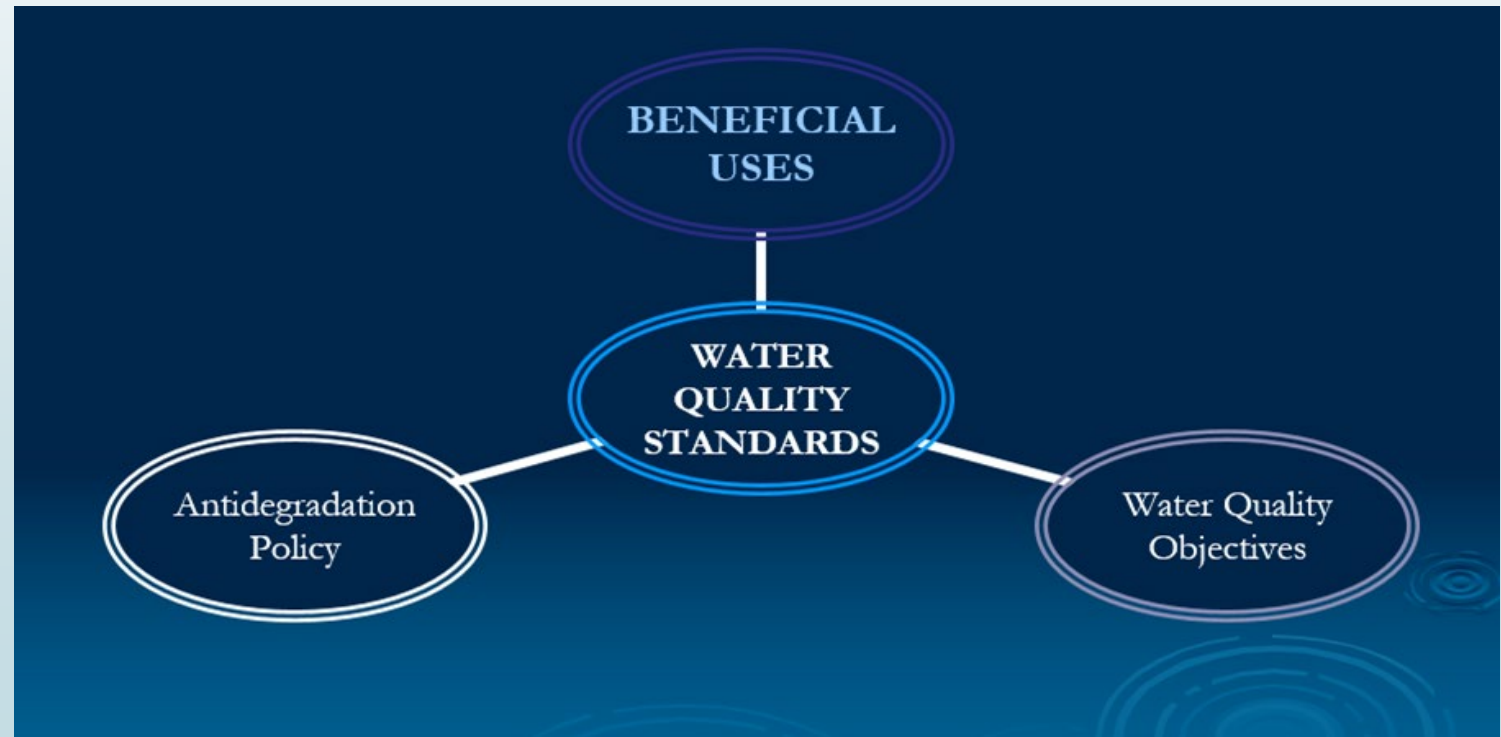
The Clean Water Act regulates discharges of pollutants into U.S. waters, and controls pollution

- California Water Code section 13240: Designation of beneficial uses for waters of the State by the Regional Board mandated
- Clean Water Act, section 303: Requires the State adopt designated beneficial uses for surface waters, and maintain water quality objectives that provide safety for those uses
- Impaired Waters on the 303d list requires development of **Total Maximum Daily Load(TMDL), a water quality improvement plan** or improve as result of remedial actions or implementation of control measures

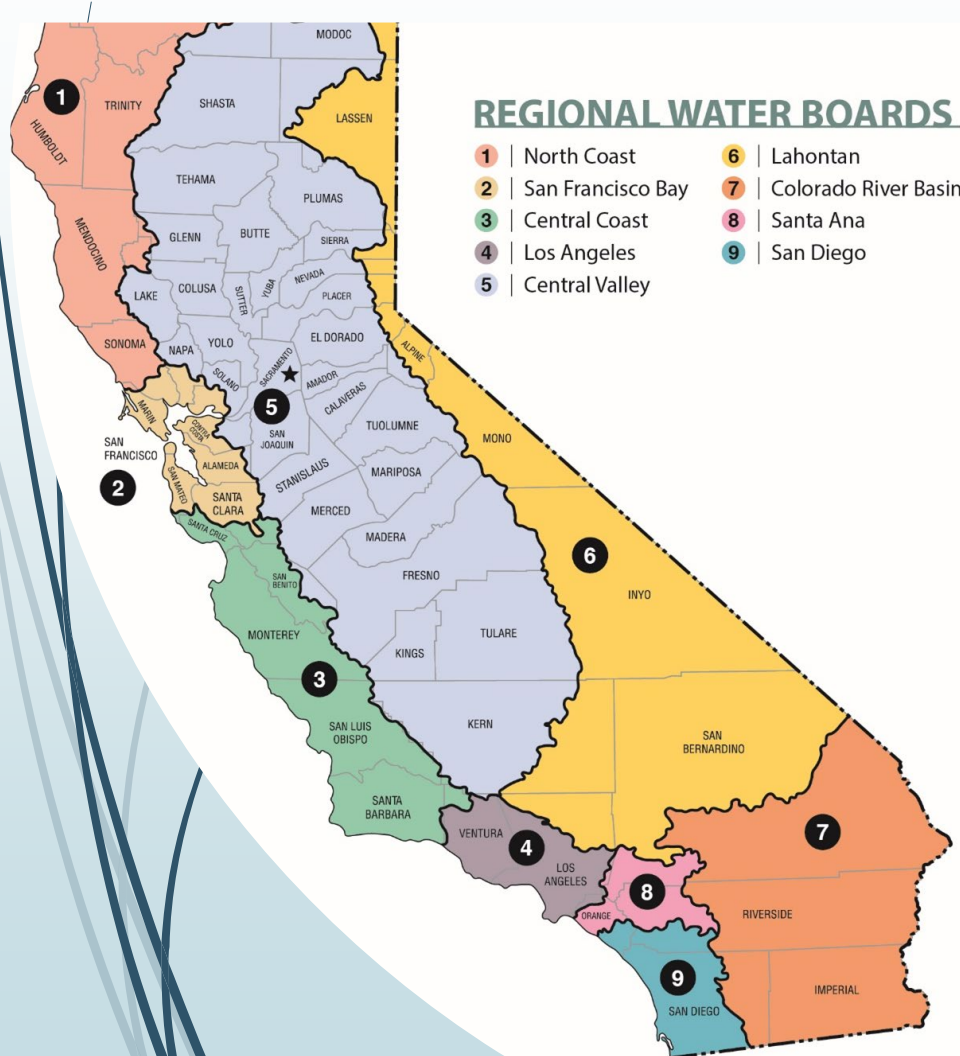
# Water Quality Standards

## Regional and Regional Water Boards

- Regional Boards Relatively Independent
- Adopt beneficial use definitions in Basin Plans
- Set WQOs for the protection of beneficial uses



# Beneficial Uses Considered by Regional Boards



- Develop Water Quality Objectives (TMDLS)
- **Basin Plan Updates (Beneficial Uses)**
- Issue Waste Discharge Permits
- Determine compliance with requirements
- Take enforcement actions against violators
- Monitor water quality

Federal CWA Categories	Cal. Water C. Categories	CA Basin Plan Categories
Propagation of fish, shellfish & wildlife	Preservation and enhancement of fish, wildlife, and other aquatic resources or preserves	WARM, LWRM, COLD, SAL, EST, MAR, WILD, BIOL, ASBS, RARE, MIGR, SPWN
Recreation in & on the water	Recreation; aesthetic enjoyment	REC-1, Limited REC-1, REC-2, COMM, SHELL
Public water supplies	Domestic and municipal supply	MUN*
Agricultural use	Agricultural supply	AGR*
Industrial use	Industrial supply	IND*, PRO*
Navigation	Navigation	NAV
Other purposes	Power generation; other beneficial uses	GWR, FRSH, POW, AQUA, WET, FLD, WQE, CUL, FISH

## COMM

Commercial and Sport Fish

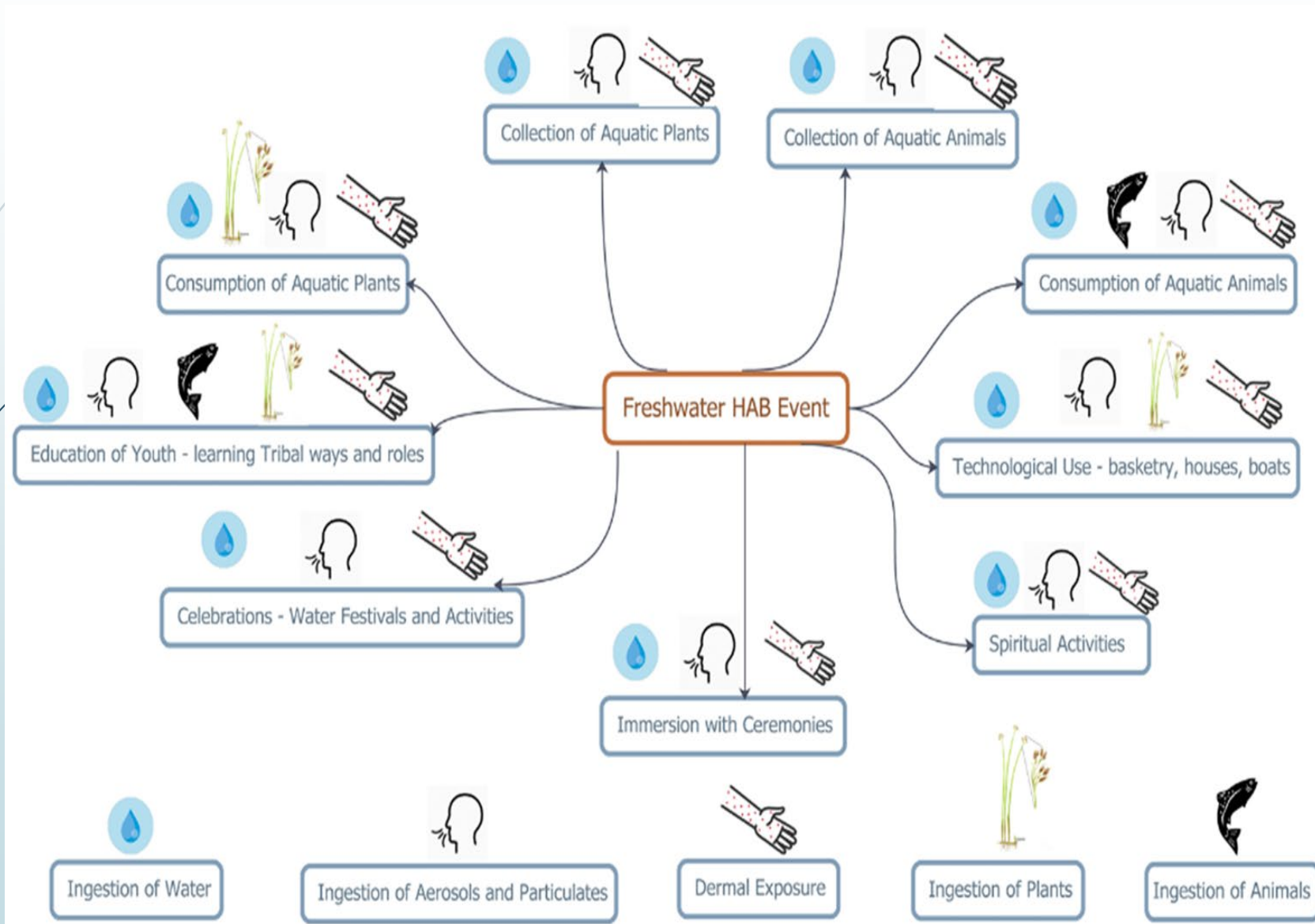
## REC1

Swimming and Wadable

## Tribal Uses

Unique place-based cultures

# Tribal Cultural Use Conceptual Pathways



Source:

Big Valley  
Rancheria  
Environmental  
Department

# State Water Board TBU Resolutions Adopted

## Resolution No. 2016-0011

- Acknowledged importance of identifying and describing beneficial uses unique to CA Native American Tribes
- Directed staff to develop proposed Beneficial Use Categories to be used by SWB and 9 Regional WQC Boards

## Resolution No. 2017-0027

Part 2 of the Water Quality Control Plan for Inland Surface Waters Control Plan for Enclosed Bays, and Estuaries of CA (ISWBE)

- Includes Tribal Substance Fishing (TSUB) and (CUL) Cultural Beneficial Uses and Mercury Provisions: TBU definitions and associated WQOs for Mercury/Methylmercury

\* [year] North Coast Definition Adopted and applied Klamath River and Laguna de Santa Rosa

# ISWBE Tribal Beneficial Use Definitions

## **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.

## **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.

## **Next Steps (Simplified):**

- Adopt TBUs into Basin Plans
- Designate Waterbodies with TBUs
- Evaluate WQOs in waterbody and apply for most protective uses



## Challenges

- Absence of guidance from State Board
  - Regional Board Jurisdiction: all waters, watersheds, segments (anadromous fish)
  - Regions at different stages with different processes and interpretations
  - What data is required and how to integrate sensitive data in public process
  - How to use TBUs to set numerical WQOs = public process.
  - TBUs may include cultural and human health sensitive information: HIPAA and Consultation
  - Study for ISWBE introductory

**Need for Institutional Memory**

## State Actions

- Develop Guidelines to support Regional Water Boards / Tribes
- Holding Internal staff meetings to develop process for TBU Designation
- Update Bay Delta Plan with CUL TBU(s)
- Update the Ocean Plan with TBUs: Requested by Tribes and EJ groups during 2019 Triennial Review

**Tribal Beneficial Use Strategic Planning  
Caucus – statewide AdHoc**

**Table H-1. Selected Fish Consumption Rates**

Type/Source	Fish consumption rate in grams per day (g/day)	Equivalent 8 oz. meals/week of locally caught fish	Resulting Water Quality Objective (mg MeHg/kg fish)
General U.S. population (U.S. EPA 2000)	17.5	0.5**	0.3*
San Francisco Bay anglers (San Francisco Estuary Institute 2001),	32*	1**	0.2*
1991-92 Santa Monica Bay (Allen et al. 1996)	107	3**	0.05*
Subsistence, U.S. population (U.S. EPA 2000)	142*	4.4	0.05
California Tribes - contemporary (Shilling et al. 2014)	142*	4.4**	0.04*
California Tribes: two generation ago (Shilling et al. 2014)	223	7	0.03
Oregon, including Columbia River Tribes (Oregon Department of Environmental Quality 2011)	175	5-6	0.04
Proposed by U.S. EPA for Washington State (80 FR 55063, September 14, 2015)	175	5-6**	0.03*
Proposed by U.S. EPA for Maine (81 FR 23239, April 20, 2016)	286	9	0.02***

T-SUB

Tribe Name (n)	Salmon (95 <sup>th</sup> % g/day)	Caught fish (95 <sup>th</sup> % g/day)	Total fish (95 <sup>th</sup> % g/day)	% Caught = Salmon
Me-Wuk (32)	22.4	57.2	99.7	39
Maidu (26)	69.1	133.6	183	52
Pit River (17)	196.2	240.4	277.3	82
Paiute (52)	28.3	59.5	81.5	48
Northern Paiute (11)	37.6	63.1	99.9	60
Timbisha Shoshone (14)	39.8	104	257.8	38
Mono (6)	29.8	42.2	52.1	70
Chemehuevi (43)	0	110.3	178.6	0
Pomo (183)	28.3	59.2	101.8	48
Pomo-Wailaki (12)	28.9	34.8	59.2	83
Wailaki (16)	19.8	81.5	85.8	24
Round Valley Tribes (35)	57.8	70.3	81.6	74
Wiyot (30)	132.5	139.1	144.2	95
Yurok (15)	115.1	170.2	170.2	68
Chumash (12)	8.2	29.8	55.4	28
<b>Total</b>	<b>72.6</b>	<b>141.8</b>	<b>181.9</b>	<b>51</b>

From 2014  
California  
Tribe Fish  
Consumption  
Study  
(Fraser Shilling,  
UC Davis)

[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)

## Historical and Ancestral Consumption (Fishing, Gathering, and Eating)

2. Were fish or shellfish an important part of your family's diet? (Circle one) Yes No Not Sure

3. What major creeks, rivers, lakes, or other water-bodies were traditionally fished by your family and/or other Tribal members?

4. What kinds of fish or shellfish did your family or Tribal members traditionally eat? Circle all that apply.

Catfish	Lake Trout	Rainbow/Steelhead	Fall Salmon	Freshwater Mussels/Clams
Eel/Lamprey	Abalone	Crayfish	Sturgeon	Saltwater Mussels/Clams
Silverside	Black or Largemouth Bass	Threadfin Shad	Blackfish	Bullhead
Sucker	Brown Trout	Spring Salmon	Perch	Scallops
Carp	Crappie	Hitch	Mosquito Fish	Sunfish
Rockfish (Brown/Yellow Eye)	Lingcod	Cabezon (Sculpin)	Surfperch (Surf fish, including Walleye)	Crab
Shark	Halibut	Sea Bass	Surf Smelt	Jack Smelt
Oysters	Shrimp	Others (Please list):		

For reference, the following are serving sizes per state agencies:



The recommended serving of cooked fish is about the size and thickness of your hand

5. How much fish or shellfish did your family, ancestors or other Tribal members eat traditionally? Circle one.

Less than 1 serving per day	1 serving per day	2-3 servings per week	1 serving per week	1 serving per month	Less than 1 serving per month	Other frequency:
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# [Tribe] USES OF [Name] RIVER & TRIBUTARIES

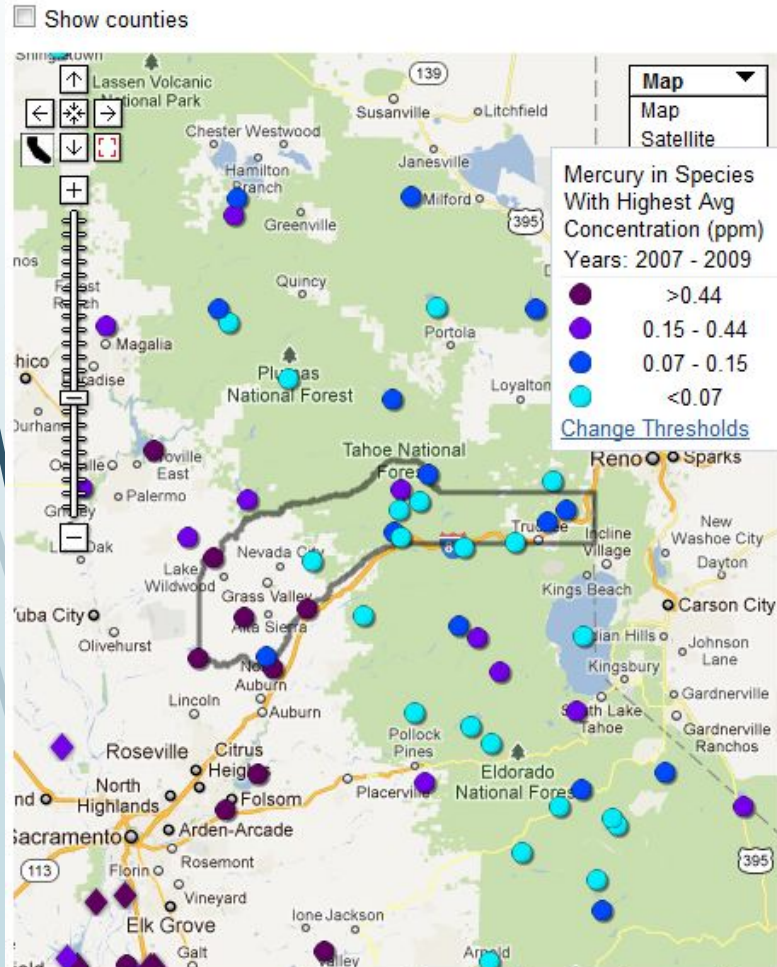
T-CUL

Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

Rivers/Tributaries	Ceremony Name	Type	Description: Travel and river access needed for ceremonies throughout the year										Exposure Pathway		
River & Trail Access	Funerals	Walking													Wading or water contact
	[Proprietary]	Walking													Wading or water contact
	Personal Rituals	Walking													Wading or water contact
Rivers/Tributaries	Ceremony Name	Type	Description: Transportation to cross the river or up and down river for ceremonies or religious activities										Exposure Pathway		
Boating	Funerals	Transportation													Wading or water contact
	[Proprietary]	Dance Transportation													Wading or water contact
	Individual	Transportation													Wading or water contact
Rivers/Tributaries	Ceremony Name	Type	Description: Traditional foods used in all ceremonies, salmon used in all [Proprietary] ceremonies										Exposure Pathway		
Fish+A69:P90	Inam-Clear Creek	Resident													Wading or water contact
	Spring-1st Salmon	Anadromous													Wading or water contact
	Lamprey eels	Anadromous													Wading or water contact
	Other	Anadromous and resident													Wading or water contact
Rivers/Tributaries	Ceremony Name	Type	Description: Traditional foods of fish used in all ceremonies fresh or dried if available.										Exposure Pathway		
Fishing	Salmon used in all World Renewal-Pikiawish ceremonies	Funerals and personal rituals throughout the year													Wading or water contact
	Lamprey eels	Funerals and personal rituals throughout the year													Wading or water contact
	Sturgeon	Funerals and personal rituals throughout the year													Wading or water contact
	Steelhead-summer	Funerals and personal rituals throughout the year													Wading or water contact

# Spatial Tools for Fish Tissue Monitoring Results & Community Advice

This interactive map allows you to explore fish contaminant lakes and reservoirs in 2007 and 2008, from the coast in 2



Select Species:

Species With Highest Avg Concentration

Select Contaminant:

Mercury

Select Start Date: 2007    Select End Date: 2009

Go    Reset    [Download Map Data](#)

### More Information

- [Monitoring programs and reports](#)
- [Access Complete Datasets from CEDEN](#)
- [Assessment thresholds](#)

This map shows data generated by:



Mercury in Species With Highest Avg Concentration (ppm)  
Years: 2007 - 2009

- >0.44
- 0.15 - 0.44
- 0.07 - 0.15
- <0.07

<http://eis.sfei.org>    OEHHA 2008

Fish Contaminant Goals & Advisory Tissue Levels

- No Consumption
- One 8-oz. serving/week
- Two 8-oz. serving/week
- Three 8-oz. serving / week

Harry L Englebright Lake    [View Data Rating Guidelines for this water body.](#)

Data    Trends    Nearby Locations

How does my location compare to nearby water bodies?

Change Species Parameter  
 Highest     Lowest

Nearby Water Body	Distance (mi)	Species With Highest Average Concentration	MERCURY (ppm)	Sample Year	Prep Code	Sample Ty
Collins Lake	6	Largemouth Bass	0.38	2008	Skin off	Average of 350 mm Sta
Bullards Bar Reservoir	12	Largemouth Bass	0.4	2008	Skin off	Average of 350 mm Sta
Zeyak/Swan Lake	12	Largemouth Bass	0.98	2007	Skin off	Average of 350 mm Sta
Scotts Flat Reservoir	17	Rainbow Trout	0.03	2008	Skin off	Average of Location Cor
Camp Far West Reservoir	17	Spotted Bass	0.65	2007	Skin off	Average of Individuals
Rollins Reservoir	19	Smallmouth Bass	0.85	2008	Skin off	Average of Individuals
Lake of the Pines	19	Largemouth Bass	0.07	2007	Skin off	Average of 350 mm Sta
Lake Oroville	21	Smallmouth Bass	0.44	2007	Skin off	Average of Individuals
Lake Combie	22	Largemouth Bass	0.78	2007	Skin off	Average of 350 mm Sta
Thermalito Afterbay	26	Common Carp	0.24	2007	Skin off	Average of Location Cor

A result of ND means the concentration was below detection limits.



*Thank you!*

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