

# **TRIBAL BENEFICIAL USES & FLOWS**

**State of the Estuary Conference 5/28/2024**

**Emily Moloney**

**Project Manager – California Trout**

**FORMER Water Program Coordinator**

**Buena Vista Rancheria of Me-Wuk Indians**



# FOCUS

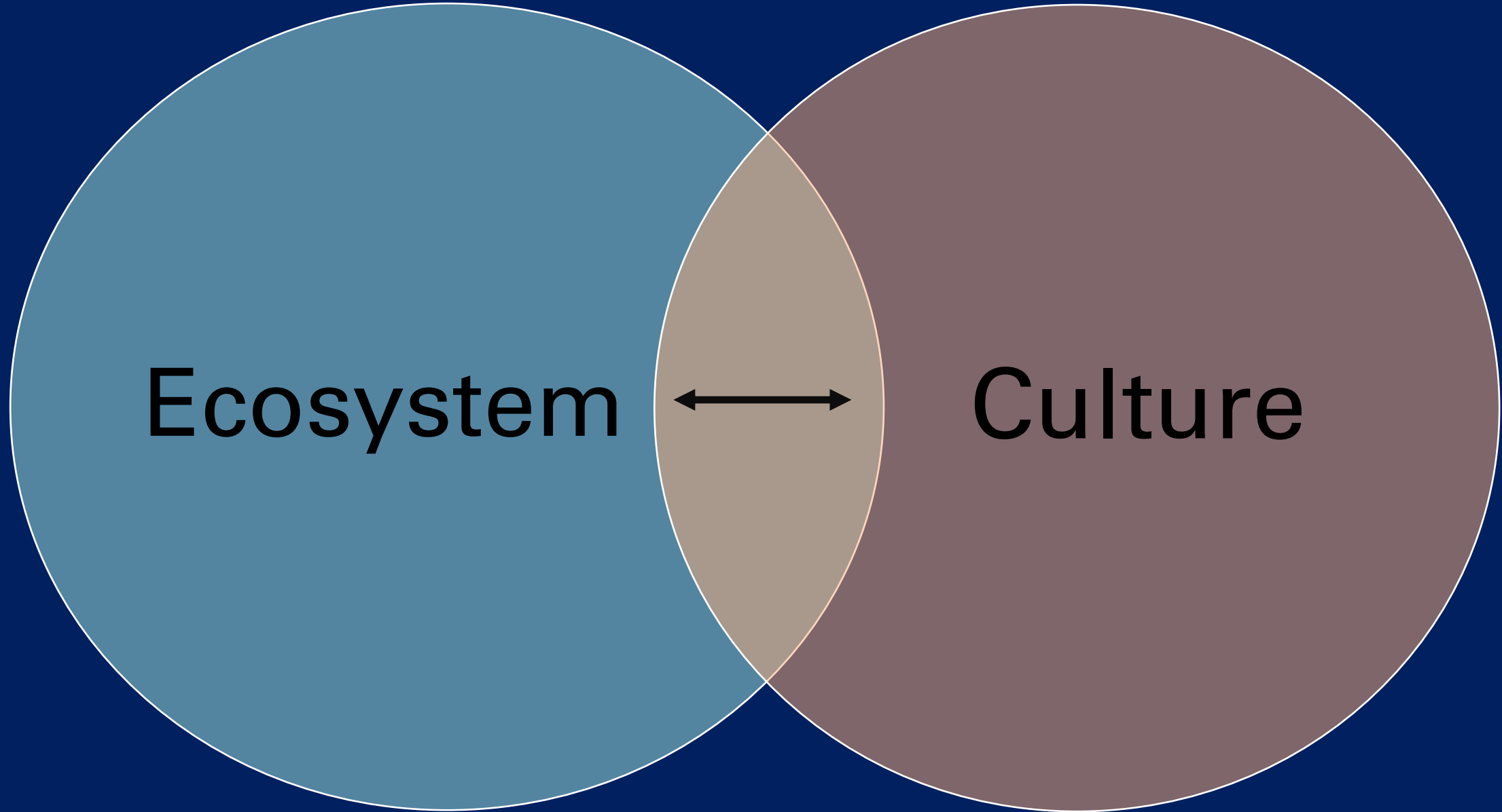
A photograph of a stream with a large pile of sticks and debris on the bank, and a blue bucket with "DO IT RIGHT" written on it.

- **Flows and TBUs**
- **Roles State & Regional Water Board**
- **Tools for instream flows**







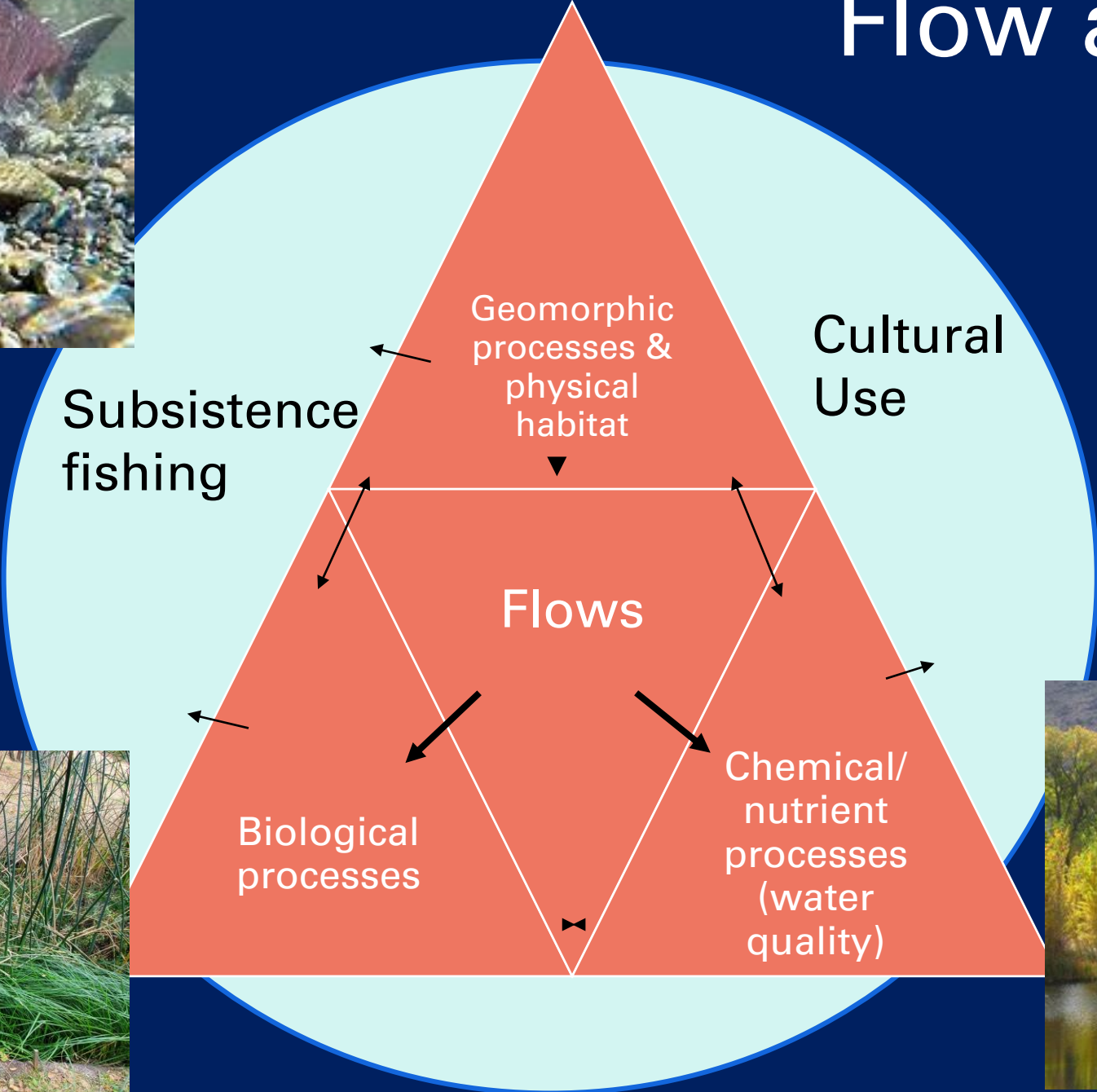


**Ecosystem**



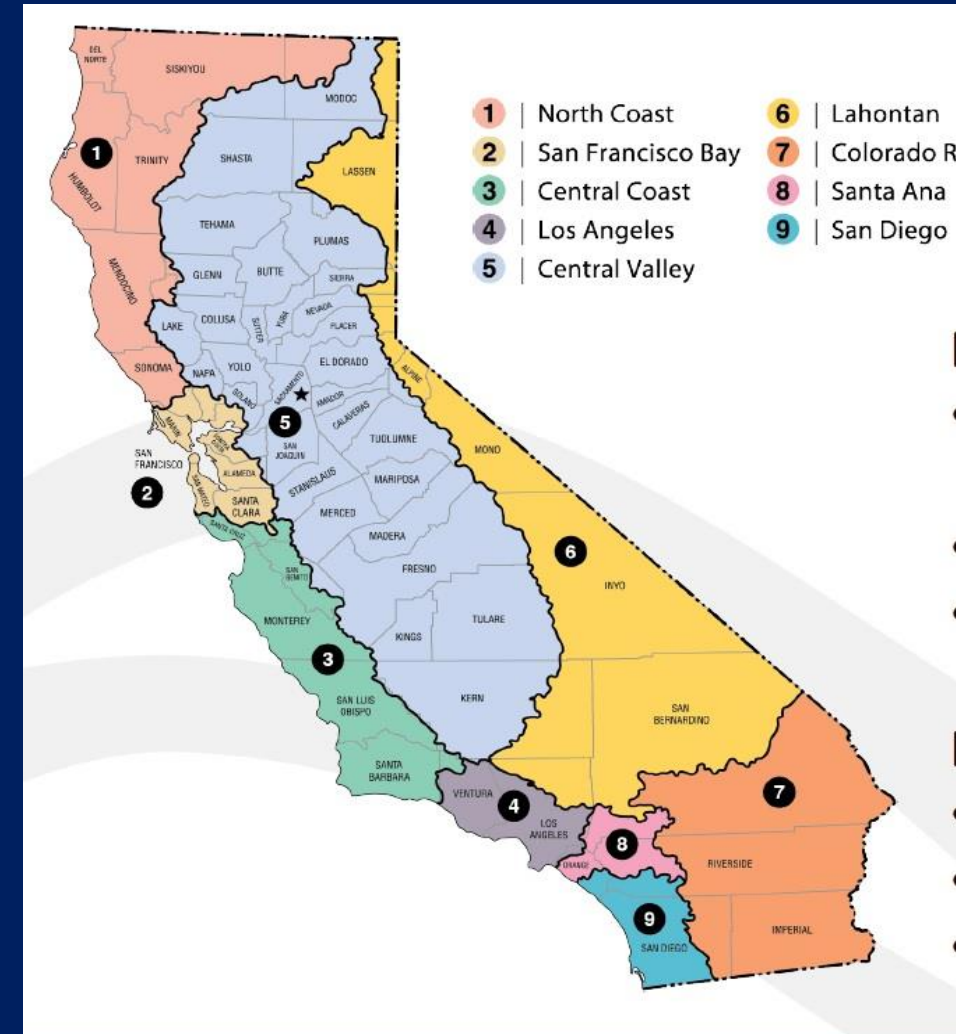
**Culture**

# Flow and TBUs



# Protecting Water – a State Framework

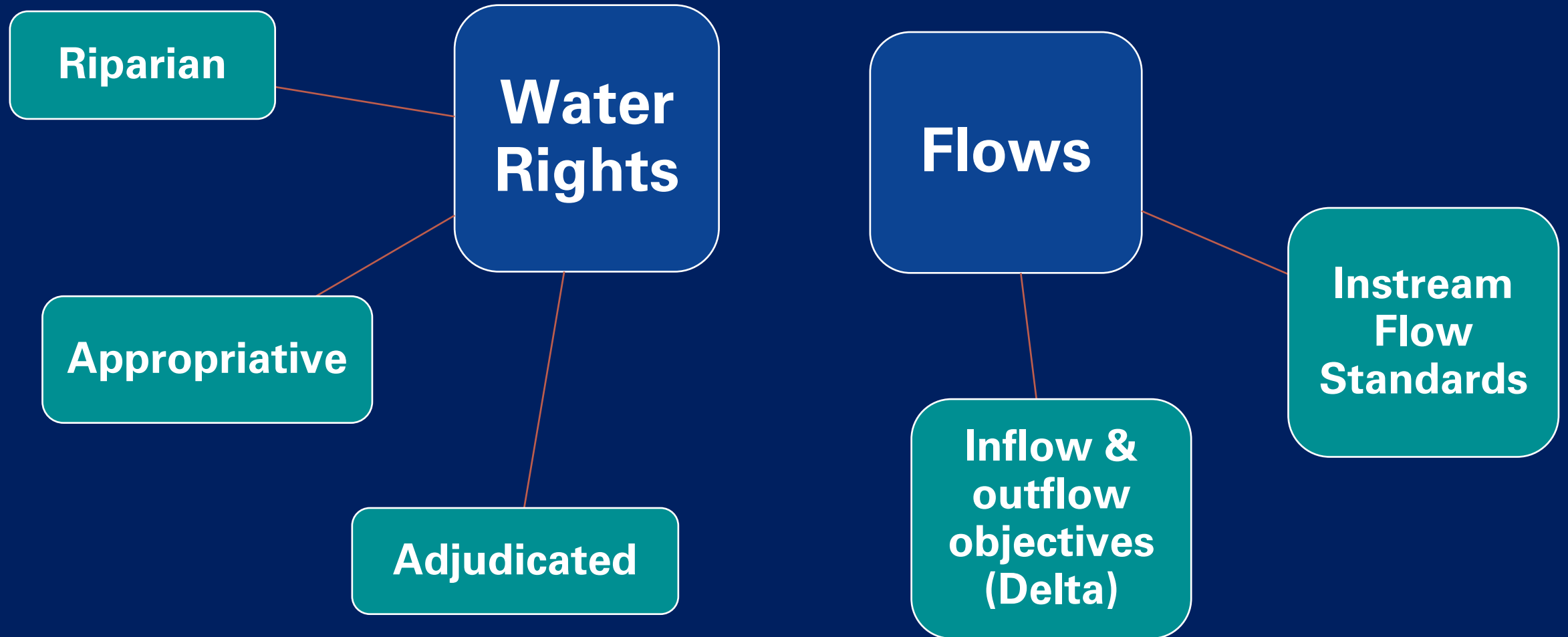
Regional Water Quality Control Boards 9 regions



CALIFORNIA WATER BOARDS

# Protecting Water – a State Framework

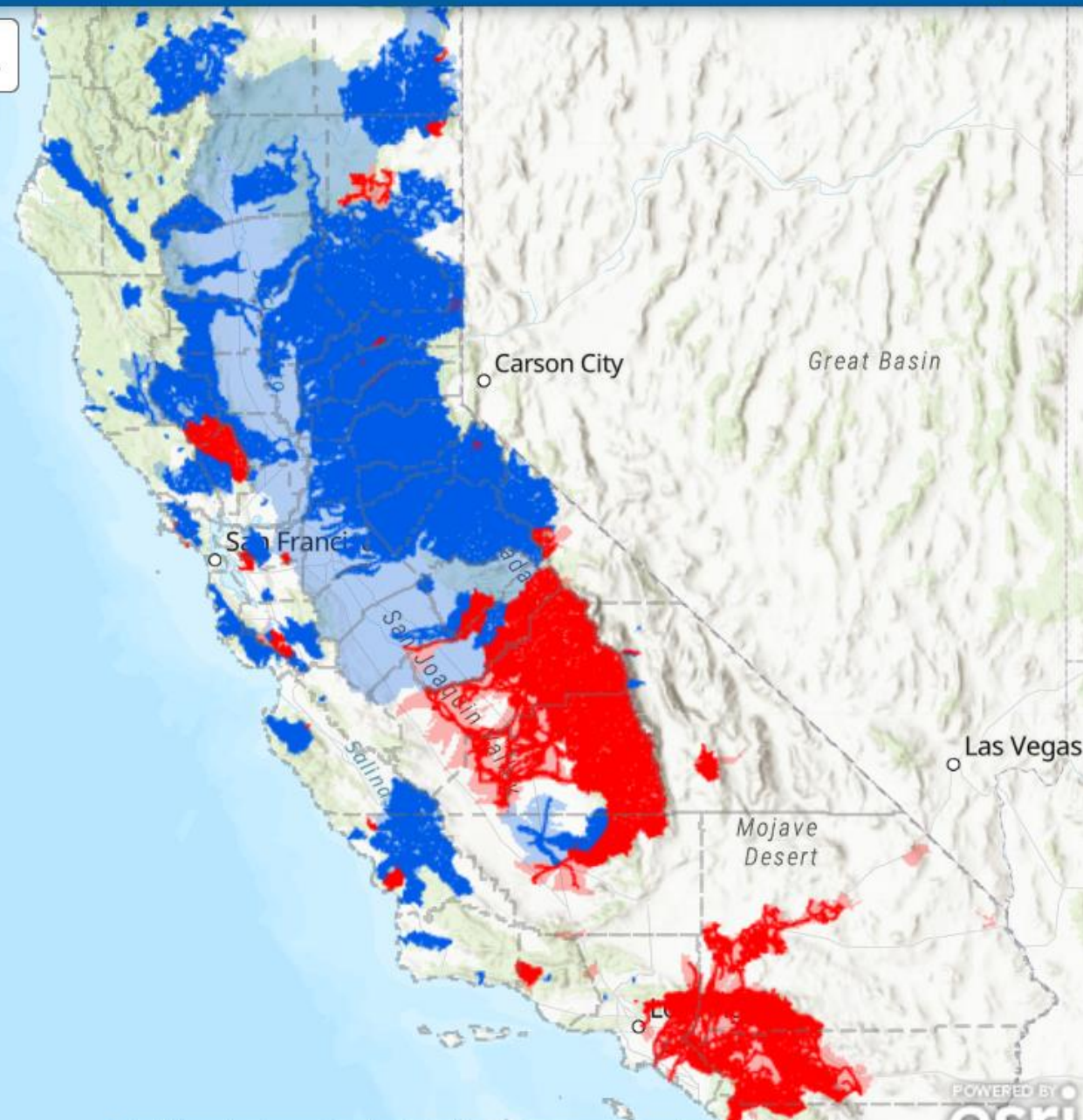
## State Water Board





Map navigation and search controls:

- Zoom in (+) and zoom out (-) buttons
- Home button
- Refresh button
- Search bar with a search icon
- Layers panel icon
- Print button
- Layers list icon
- Measure tool icon
- Help icon



100mi  
-122.732 37.579 Degrees



# Tribal Water Rights

- Left out of the water right system



# Tools for instream flows for TBUs

- Use and leverage State TBU process
- Purchase land with a water right
- Purchase land with a waterbody on or flowing through
  - California water code section 1700-1707



# California Water Code Section 1707

1707. (a) (1) "Any person entitled to the use of water, whether based upon an appropriative, riparian, or other right, may petition the board pursuant to this chapter, Chapter 6.6 (commencing with Section 1435) or Chapter 10.5 (commencing with Section 1725) for a change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water."



# Tools for instream flows for TBUs

- Use and leverage State TBU process
- Purchase land with a water right
- Purchase land with a waterbody on or flowing through
  - California water code section 1700-1707
- Instream flow recommendations
  - CDFW



**Table 2.** Deer Creek flow recommendations in cubic feet per second by month and water year type to support adult and juvenile salmonid passage and ecological function in lower Deer Creek from the DCID Diversion Dam to the Sacramento River confluence.

Month	Water Year Type				
	Critical	Dry	Below Normal	Above Normal	Wet
October	< 145 cfs → 80% UF*; ≥ 145 cfs → UF**				
November	< 145 cfs → 80% UF*; ≥ 145 cfs → UF**				
December	180	180	180	180	180
January	180	180	180	180	180
February	180	180	180	180	180
March	200	290	335	335	335
April	145	290	335	335	335
May	145	175	200	335	335
June	145	145	145	175	200
July	23	23	23	23	23
August	23	23	23	23	23
September	23	23	23	23	23

\* When USGS 11383500 is less than 145 cfs, 80 percent of the unimpaired flow (UF) is recommended.



# Tools for instream flows for TBUs

- Use and leverage State TBU process
- Purchase land with a water right
- Purchase land with a waterbody on or flowing through
  - California water code section 1700-1707
- Instream flow recommendations
  - CDFW
  - California Environmental Flows Framework
- Functional Flows framework



## Central Valley watershed

River currently accessible to salmon

Upland

Lowland

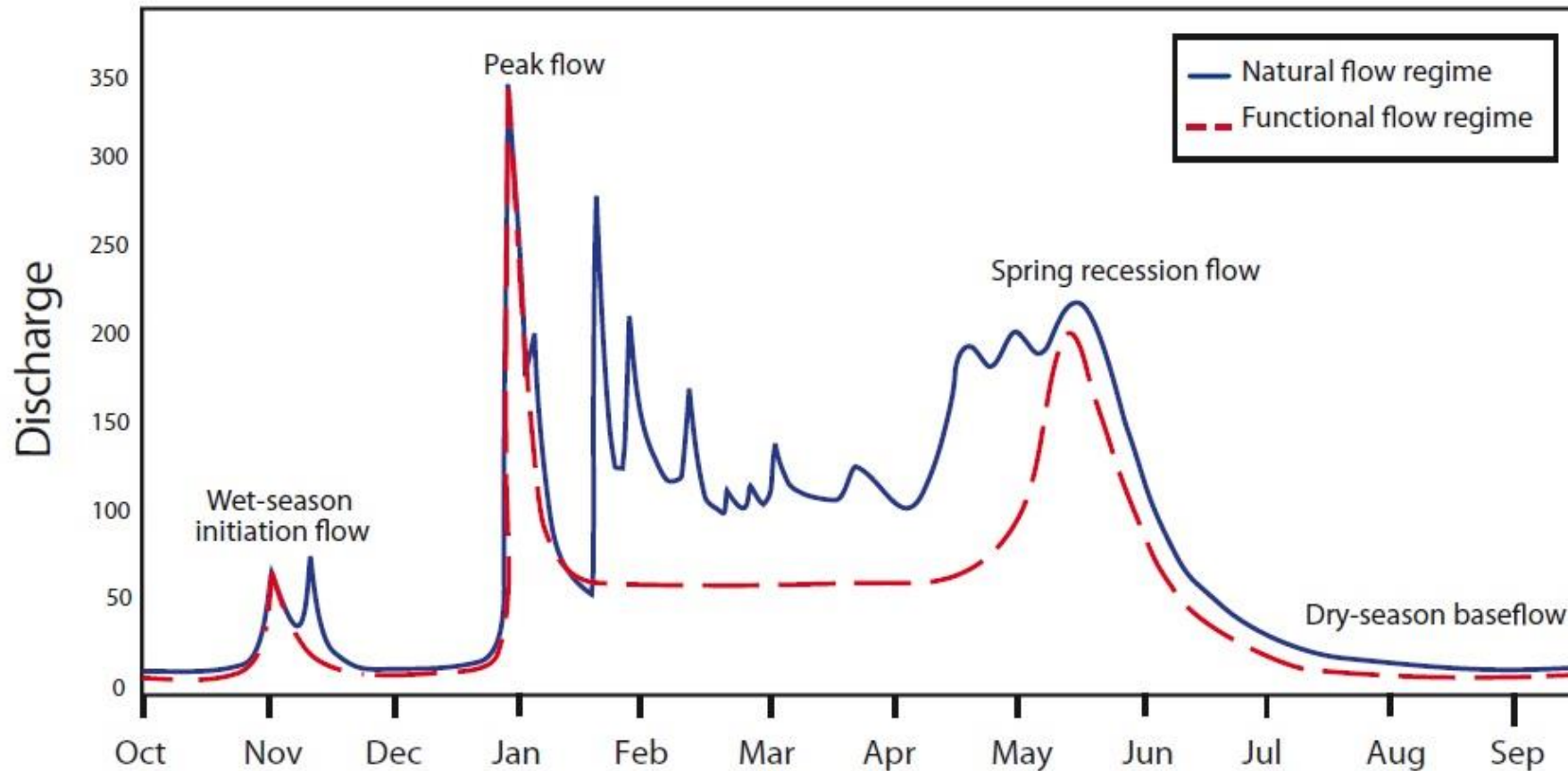
## Transformed watershed

Impassable dams

Salmon habitat lost due to dams or dewatering



# Functional Flows



*Figure 2. Natural and functional flow regimes in a Mediterranean–montane climate, where spring occurs April to June. Peak flows are typically rain-driven events in winter, whereas a pronounced snowmelt pulse occurs in spring. The functional flow regime retains key components of the natural hydrograph that support physical and ecological processes across the riverscape.*





**THANK YOU**

**Emily Moloney**

**Project Manager CalTrout**

**[emoloney@caltrout.org](mailto:emoloney@caltrout.org)**

**(former Water Program Coordinator**

**Buena Vista Rancheria of Me-Wuk Indians)**