

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 80-86

ADOPTING REGULATIONS FOR THE PROTECTION OF
INSTREAM BENEFICIAL USES AND RESCINDING
REGULATIONS FOR BENEFICIAL INSTREAM
FLOW REQUIREMENTS ADOPTED ON DECEMBER 20, 1979

WHEREAS:

1. Regulations are needed to better protect instream beneficial uses, to increase the efficiency of the current process for gathering information on instream beneficial uses and to provide advance guidance to water project planners and water users.
2. The Board adopted "Subchapter 2.1. Beneficial Instream Flow Requirements" for inclusion in Chapter 3 of Title 23, California Administrative Code, on December 20, 1979, which were intended to improve the Board's ability to protect the public interest in water right actions.
3. The December 20, 1979 Regulations were not put into effect because of the need to consider other factors besides water quantity which may affect the beneficial use levels of a particular stream.
4. An alternative approach has been developed which is based on the existing water quality and water rights authority of the Board.
5. The alternative approach is embodied in proposed regulations which describe a process for Board adoption and implementation of Instream Beneficial Use Protection Programs.
6. The Board, after Public Notice, held a hearing on October 20, 1980, to receive testimony from interested parties concerning the proposed regulations.

THEREFORE BE IT RESOLVED:

1. That the Board rescinds the regulations in Subchapter 2.1, Chapter 3, Title 23, of the California Administrative Code, entitled, "Beneficial Instream Flow Requirements", adopted on December 20, 1979.
2. That the Board adopt regulations in Subchapter 4.5, Chapter 3, Title 23, of the California Administrative Code, entitled, "Procedure for Protecting Instream Beneficial Uses".

3. That the Executive Director is authorized to submit the adopted regulations to the Office of Administrative Law for filing with the Secretary of State.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board on November 20, 1980.



Clint Whitney
Executive Director