

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2005-0021

**APPROVAL OF AMENDMENTS TO THE WATER QUALITY CONTROL
PLAN FOR THE LAHONTAN REGION TO REMOVE THE MUNICIPAL AND
DOMESTIC SUPPLY (MUN) BENEFICIAL USE DESIGNATION FROM
OWENS LAKE, INYO COUNTY, AND APPROVAL OF
AN ASSOCIATED ENVIRONMENTAL DOCUMENT**

WHEREAS, the Lahontan Regional Water Quality Control Board finds:

1. The Lahontan Water Board's revised Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect on March 31, 1995, and has been amended periodically since that time, and
2. Lahontan Water Board staff prepared draft Basin Plan amendments including changes to Table 2-1, Beneficial Uses of Surface Waters, to remove the Municipal and Domestic Supply (MUN) beneficial use designation from all surface waters below the historic shoreline of Owens Lake in the Lower Owens Hydrologic Area (HU No. 630.30), and clarify the application of the MUN use to wetlands above and below the historic shoreline, and
3. The Lahontan Water Board's planning process has been certified pursuant to the California Environmental Quality Act (CEQA) as "functionally equivalent" to the preparation of an Environmental Impact Report (Public Resources Code Section 21080.5). Lahontan Water Board staff prepared and circulated a draft environmental document for public review. The Lahontan Water Board has reviewed public comments and staff responses to comments. The environmental document, when considered together with the record of the public review process as a whole, indicates that adoption of the proposed amendments to the Basin Plan will have no significant adverse impacts on the environment. The environmental document, when considered together with the record of the public review process as a whole, shows that there is no potential for adverse impacts, either individually or cumulatively, on wildlife. The environmental document, when considered together with the record of the public review process as a whole, also indicates that the adoption of the proposed amendments will have no adverse economic impacts related to the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.
4. The proposed amendments do not create new performance standards that may lead to requirements for the installation of pollution control equipment or to new treatment processes or facilities. Therefore, the environmental document does not include an analysis of reasonably foreseeable means of compliance pursuant to Public Resources Code Section 21159, and

5. Scientific peer review pursuant to Health and Safety Code Section 57004 was not required for the proposed amendments because they are based on existing water quality standards and criteria, and existing state and federal regulations and policy regarding beneficial use designations, and
6. The proposed amendments meet the necessity standard of the Administrative Procedure Act, Government Code Section 11353(b), and
7. The availability of the draft amendments and environmental document was properly noticed in a newspaper of general circulation in the area as required by Water Code Section 13244. Copies of the notice, amendments and environmental document were made available to parties on the Lahontan Water Board's Basin Plan mailing list who requested them. Copies of these documents were also made available on the Internet, and
8. The Lahontan Water Board heard and considered all written public comments and all testimony presented at a duly noticed public hearing held at its regular June and July, 2005 meetings.

THEREFORE BE IT RESOLVED:

1. Based on the record as a whole, including the draft Basin Plan amendments, the environmental document, accompanying written documentation, and public comments received, the Lahontan Water Board finds that there is evidence in the record that adoption of the proposed amendments to the Basin Plan will not result in significant effects on the environment due, in part, to mitigation measures identified in the environmental document.
2. Considering the record as a whole, there is no evidence before the Lahontan Water Board that the adoption of the proposed amendments to the Water Quality Control Plan for the Lahontan Region will have any adverse impacts in terms of the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.
3. The environmental document prepared by Lahontan Water Board staff pursuant to Public Resources Code Section 21080.5, which reflects the independent judgment of the Lahontan Water Board, is hereby certified. Following approval of the Basin Plan amendments by the State Water Resources Control Board and the California Office of Administrative Law (OAL), the Executive Officer shall file a Notice of Decision with the Resources Agency and the State Clearinghouse. The record of the final environmental document shall be retained at the Lahontan Water Board's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the Board's administrative staff.

4. The Lahontan Water Board adopts the amendments to the Basin Plan to remove the Municipal and Domestic Supply (MUN) beneficial use designation from surface waters of Owens Lake and make clarifying changes to Table 2-1 of the Basin Plan.
5. The Executive Officer is directed to forward copies of the Basin Plan amendments and the administrative record to the State Water Board in accordance with the requirements of Section 13245 of the California Water Code.
6. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward them to the OAL and the U.S. Environmental Protection Agency for approval.
7. If during its approval process for Lahontan Water Board Basin Plan amendments or policies, the State Water Board or OAL determines that minor, non-substantive changes to the language of the amendment or policy are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Lahontan Water Board of any such changes.
8. The Executive Officer is authorized to sign the Certificate of Fee Exemption and to transmit it to the California Department of Fish and Game (CDFG) in lieu of payment of the CDFG filing fee.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Lahontan Regional Water Quality Control Board on July 14, 2005.

HAROLD J. SINGER
EXECUTIVE OFFICER