

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2019-0010

**APPROVAL OF AMENDMENTS TO
THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION
REMOVING A PROHIBITION ON NEW PIER CONSTRUCTION IN SENSITIVE
AREAS AT LAKE TAHOE**

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) finds that:

1. The amendments to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) were developed in accordance with Water Code section 13240.
2. The Porter-Cologne Act declares, “the quality of all the waters of the state shall be protected for the use and enjoyment by the people of the state.” (Water Code section 13000.)
3. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards’ basin planning process as a “certified regulatory program” that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs. tit. 14, §15251, subd. (g); Cal. Code Regs. tit. 23, §3777.)
4. The Substitute Environmental Documentation for this project consists of the final Staff Report and the environmental checklist dated March 2019, comments and responses to comments, the draft Basin Plan amendment language, and this Resolution.
5. The amendments modify the Basin Plan to remove a prohibition that currently prevents the construction of new piers in sensitive areas along the California side of the Lake Tahoe. Removing the prohibition would allow lakefront property owners in El Dorado and Placer Counties to construct new piers in areas determined to be within significant spawning habitat. Areas immediately offshore of stream inlets in Lake Tahoe remain protected by other Basin Plan prohibitions.
6. The Water Board action: (1) provides area-wide consistency regarding pier development, (2) results in de minimis potential affects to spawning habitat and offshore stream inlet areas, and (3) acknowledges existing regulatory oversight provides adequate protection.
7. The Substitute Environmental Documentation concludes that the adoption of the Basin Plan amendments will not result in any significant environmental impacts. As a

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result, no analysis is presented regarding reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts. (Cal. Code Regs. tit. 23, §3777, subd. (e).)

8. A CEQA scoping meeting was conducted on September 12, 2018 in South Lake Tahoe. A notice of the CEQA scoping meeting was provided on the Water Board's website and was sent to interested parties, including partner agencies, environmental groups, and other individuals interested in Basin Plan amendments.
9. A draft Staff Report and the proposed Basin Plan amendments were prepared and distributed to interested individuals and public agencies on November 27, 2018 for review and comment in accordance with state environmental regulations (California Code of Regulations, title 23, section 3775 et seq.).
10. The Lahontan Water Board heard and considered public comments presented at the public hearing held on March 13, 2019 in South Lake Tahoe.
11. The record, including the Staff Report and environmental checklist, indicates that these amendments are consistent with the provisions of the State Water Board's Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California" and federal antidegradation policy prescribed in 40 CFR section 131.12.
12. The Lahontan Water Board finds that the Substitute Environmental Documentation satisfies the requirements for the implementation of CEQA for exempt regulatory programs, as set forth in California Code of Regulations, title 23, section 3775 et seq.
13. The amendments meet the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

THEREFORE BE IT RESOLVED THAT:

1. The Lahontan Water Board hereby adopts and approves the Substitute Environmental Documentation that was prepared, where applicable, in accordance with the provisions applicable to the certified exempt regulatory programs, California Code of Regulations, title 23, sections 3777 through 3779.
2. Pursuant to Water Code section 13240, et seq., the Lahontan Water Board, after considering the entire administrative record, including all oral testimony and written comments, adopts the amendments to the *Water Quality Control Plan for the Lahontan Region* as set forth in Enclosure 1.
3. 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 Water Code section 13245.

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4. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of Water Code sections 13245 and 13246 and forward them to the California Office of Administrative Law (OAL) for approval.
5. Following approval of the Basin Plan amendments by the State Water Board and OAL, the Executive Officer shall file a Notice of Decision with the Natural Resources Agency. The record of the final Substitute Environmental Documentation shall be retained at the Lahontan Water Board's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the Lahontan Water Board's administrative staff.
6. If during its approval process, Lahontan Water Board staff, State Water Board or OAL determines that minor, non-substantive changes to the amendment language or supporting staff report and environmental checklist are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Lahontan Water Board of any such changes.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on March 13, 2019.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure 1: Basin Plan Amendments