

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

PROPOSED RESOLUTION R6T-2020-XXXX

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE LAHONTAN REGION TO ADD DEFINITIONS FOR THREE NEW BENEFICIAL
USES - TRIBAL TRADITION AND CULTURE (CUL), TRIBAL SUBSISTENCE FISHING
(T- SUB), AND SUBSISTENCE FISHING (SUB)

WHEREAS:

1. The enclosed proposed amendment to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) was 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 Quality Control 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. (California Code of Regulations title 14, §15251, subdivision (g); California Code of Regulations, title 23, §3777.)
4. The proposed amendment is not a “project” within the meaning of CEQA because it will neither cause a direct physical change in the environment, or a reasonably foreseeable indirect change. (See Pub. Resources Code, §21065 (defining “project”); Cal. Code Regs., tit. 14, §15378 [defining “project”].) As a result, the proposed amendment is not subject to CEQA and, therefore, not subject to the Water Board’s certified regulatory program regulations for implementing CEQA. (Cal. Code Regs., tit. 23, §3720, subds. (b), (c)(2).)
5. The proposed amendment modifies the Basin Plan to add to Chapter 2 (Chapter 2 defines and designates the beneficial uses for all surface and ground waters in the Lahontan Region) definitions for three new beneficial uses (CUL, T-SUB, SUB) and related language. The definitions for the new beneficial uses are the same as those previously established by the State Water Resources Control Board when it adopted Resolution No. 2017-0027.
6. Designations of the new beneficial uses to specific waterbodies, where those uses are existing or attainable, will be considered under a future, separate Basin Plan amendment process. Input from California Native American Tribes and the subsistence fishing communities will be a vital part of the beneficial use designation process, and designations of CUL and T-SUB must be verified by the appropriate California Native American Tribe.

7. A draft staff report and the proposed Basin Plan amendment were prepared and distributed to interested individuals and public agencies on July 31, 2020 for review and comment.
8. The Lahontan Regional Water Quality Control Board (Lahontan Water Board) heard and considered public comments presented at the public hearing held on September 16, 2020 in South Lake Tahoe.
9. The record, including the staff report, indicates that this amendment is consistent with the provisions of the State Water Resources Control Board's (State Water Board) Resolution No. 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.
10. The proposed amendment meets the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

THEREFORE, BE IT RESOLVED THAT:

1. 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 amendment to the Basin Plan as set forth in Enclosure 1.
2. 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.
3. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246 and forward it to the California Office of Administrative Law (OAL) for approval.
4. 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 are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Lahontan Water Board of any such changes.

CERTIFICATION

The Executive Officer hereby does certify that the foregoing is a full, true, and correct copy of the resolution duly and regularly adopted at a meeting of the Lahontan Water Board held on September 16, 2020.

MIKE PLAZIAK
ACTING EXECUTIVE OFFICER

Enclosure: Proposed Basin Plan Amendment