

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TENTATIVE RESOLUTION R5-2021-XXXX

AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE  
SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE TULARE LAKE  
BASIN TO INCORPORATE THE DEFINITIONS FOR TRIBAL BENEFICIAL USES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) finds the following:

1. In 1975, the Central Valley Water Board adopted Water Quality Control Plans for Sacramento River Basin, Sacramento-San Joaquin Delta Basin, San Joaquin River Basin, and Tulare Lake Basin (Basin Plans), which have been amended as necessary and in accordance with Water Code section 13240, et seq.
2. The Basin Plans include definitions and designations of beneficial uses of waters in the Central Valley Region, water quality objectives to protect those beneficial uses, implementation programs and prohibitions to achieve water quality objectives and protect beneficial uses, and references to statewide plans and policies.
3. On 2 May 2017, the State Water Resources Control Board (State Water Board) adopted Resolution 2017-0027, which established three new beneficial use definitions for Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB).
4. Chapter 2 of the Basin Plans defines and designates the beneficial uses for all surface and ground waters in the Central Valley Region. The proposed Basin Plan Amendments to Chapter 2 consist of adding the three new beneficial uses for CUL, T-SUB, and SUB. 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.
5. Beneficial use designations of specific waterbodies, where those uses are existing or attainable, will be considered pursuant to a separate future 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 shall be verified by the appropriate California Native American Tribe.
6. Central Valley Water Board staff prepared a staff report dated 17 November 2021. The staff report includes a description of the proposed Basin Plan Amendments.
7. The proposed Basin Plan Amendments do not have scientific elements requiring independent, external scientific peer review in accordance with Health and Safety Code section 57004.
8. The proposed amendment meets the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
9. The basin planning process has been certified by the Resources Agency as an exempt

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regulatory program because its process adequately fulfills the purposes of the California Environmental Quality Act (CEQA). However, the proposed amendments are exempt from the certified regulatory program requirements because those requirements do not apply if the proposed amendments themselves are exempt from CEQA. (Cal. Code of Regs., tit. 14, §§ 15060, subd. (c), 15378, subd. (b)(5); Cal. Code of Regs., tit. 23, § 3720, subd. (b).) The proposed action to amend the Basin Plans is not a “project” within the meaning of the CEQA because it will neither cause a direct physical change in the environment, or a reasonably foreseeable indirect change. (See Pub. Res. Code, § 21065; Cal. Code Regs., tit. 14, § 15378.)

10. The Central Valley Water Board publicly circulated a Notice of Public Hearing, written staff report, and the proposed Basin Plan Amendments to interested individuals and public agencies for review and comment in accordance with state requirements. (Wat. Code, § 13244.)
11. The Central Valley Water Board held a public hearing on dd mm yyyy where the Board heard and considered public comments related to the approval of these proposed Basin Plan Amendments.
12. This Basin Plan amendment does not become effective until approved by the State Water Board and until the Office of Administrative Law (OAL) has concurred on its non-regulatory status.

THEREFORE, BE IT RESOLVED:

1. Pursuant to section Water Code section 13240, et seq., the Central Valley Water Board, after considering the entire record, including timely written comments, oral comments provided at the hearing, and the responses provided thereto, hereby approves the Staff Report and adopts the Amendments into the Sacramento River and San Joaquin River Basin Plan set forth in Appendix A and the Tulare Lake Basin Plan as set forth in Appendix B.
2. The Executive Officer is directed to forward copies of the Basin Plan Amendments to the State Water Board in accordance with the requirements of California Water Code section 13245.
3. The Central Valley 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 it to OAL and USEPA for approval. The Central Valley Water Board specifically requests USEPA approval of all Basin Plan Amendments provisions that require USEPA approval.
4. If during its approval process the Central Valley Water Board staff, State Water Board or OAL determines that minor, non-substantive corrections to the language of the Amendments are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Valley Water Board of any such changes.

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I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on dd mm yyyy.

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PATRICK PULUPA, Executive Officer