

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

[TENTATIVE] RESOLUTION R7-2024-####

**Amending Water Quality Control Plan for the Colorado River Basin to
include Tribal Beneficial Uses and Administrative Updates**

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board), finds that:

1. The operative Water Quality Control Plan for the Colorado River Basin (Basin Plan) designates beneficial uses; establishes water quality objectives (WQOs); sets forth implementation plans to achieve WQOs addressing point source and nonpoint source discharges; includes discharge prohibitions; and incorporates statewide plans and policies.
2. On May 2, 2017, the State Water Resources Control Board (State Water Board) adopted Resolution 2017-0027, which approved "Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions." The Resolution established the following:
 - a. Statewide Mercury Provisions that establish a consistent regulatory approach with numeric mercury water quality objectives (WQO) that serve as limits protective of beneficial uses associated with the consumption of fish by humans and wildlife. These numeric objectives are already effective statewide and supersede the objectives listed in the Basin Plan, except for site-specific objectives and narrative water quality objectives.
 - b. Three new beneficial use definitions for inland surface waters, enclosed bays and estuaries, applicable to both tribal and non-tribal communities: Tribal Traditional Culture (CUL); Tribal Subsistence Fishing (T-SUB); and Subsistence Fishing (SUB).
3. This Resolution approves a "non-regulatory" amendment to the Basin Plan to formally incorporate the State Water Board-adopted beneficial uses and water quality objectives, as well as certain other administrative changes, including updating Salton Sea information and resolving typographical errors.
4. This Basin Plan Amendment was developed in accordance with Water Code section 13240 et seq., and meets the Administrative Procedure Act. "necessity" standard. (Gov. Code, § 11353, subd. (b)(2)(C).) The Amendment is necessary to ensure that the Basin Plan has the most up-to-date information available to maintain clarity among users.

5. Colorado River Basin Water Board staff prepared a Draft Staff Report describing the Basin Plan Amendment, as well as the specific necessity of and rationale for this administrative update to the Basin Plan. Attachment A to the Draft Staff Report contained a set of itemized changes to the existing Basin Plan. The Colorado River Basin Water Board reviewed, considered, and accepted the Staff Report before approving the Basin Plan Amendment via this Resolution.
6. The Basin Plan Amendment is “non-regulatory” in nature and imposes no new regulatory requirements, including water quality standards or implementation provisions. Instead, it merely updates the Basin Plan to incorporate statewide water quality objectives that are already in effect. The administrative changes are intended solely to provide more current information and to improve the clarity and convenience of the Basin Plan.
7. Pursuant to Public Resources Code section 21080.5, the Natural Resources Agency has approved the basin planning process of the State Water Board and Regional Water Quality Control Boards as a “certified regulatory program” that satisfies the requirements for preparing environmental documents under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). (14 Cal. Code Regs. §15251, subd. (g).)
8. The State Water Board, in developing the new beneficial use definitions and Statewide Mercury Provisions, prepared a Substitute Environmental Document (SED) in accordance with applicable regulations under Title 23 of the California Code of Regulations. No further review is required with respect to these provisions that are being formally incorporated into the Colorado River Basin Water Board’s Basin Plan.

As for the other administrative changes in this Basin Plan Amendment, it can be seen with certainty that such changes, which are “non-regulatory” in character, will have no impact on the environment. Accordingly, no further review is required as part of this Basin Plan Amendment.
9. This Basin Plan Amendment does not establish any new water quality objectives, but rather incorporates objectives that are already in effect. Consequently, this action is not subject to Water Code sections 13241-13242. Further, this Basin Plan Amendment will have no impact on any of the considerations enumerated in Water Code section 13241.
10. Due to the “non-regulatory” nature of this Basin Plan Amendment, scientific peer review is not required per Health and Safety Code section 57004. Additionally, the State Water Board obtained its own review prior to adopting the Statewide Mercury Provisions and new beneficial use definitions.

11. The public has had a reasonable opportunity to participate in the review of the Basin Plan Amendment. On March 26, 2024, the Draft Staff Report, which included itemized changes to the Basin Plan, was released for a 30-day written comment period. A public workshop was also conducted on April 9, 2024. No comments were received from the public, either at the workshop or during the 30-day comment period.
12. Subsequent to the public workshop and written comment period, Colorado River Basin Water Board staff identified certain changes that were needed to the Draft Staff Report. These changes included non-substantive, editorial revisions to the proposed Basin Plan Amendment language in Attachment A to the Draft Staff Report. Such changes are reflected in the Final Staff Report, which is attached hereto as Attachment A and incorporated herein.
13. This Resolution was adopted following a public hearing on June 11, 2024. During the hearing, the Colorado River Basin Water Board considered all evidence provided by staff and the public.
14. This Basin Plan Amendment shall not become effective until approved by the State Water Board, and until the Office of Administrative Law has concurred in its “non-regulatory” nature.
15. This Basin Plan Amendment does not involve the adoption of any new water quality standards for surface water. United States Environmental Protection Agency (USEPA) approval is therefore not required.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Colorado River Basin Water Board approves and adopts the Final Staff Report attached hereto as **Attachment A**. The Basin Plan shall be amended in accordance with the itemized revisions specified in Attachment A to the Final Staff Report.
2. The Executive Officer is hereby directed to submit the Basin Plan Amendment to the State Water Board in accordance with Water Code section 13245.
3. The Colorado River Basin Water Board hereby requests that the State Water Board approve the Basin Plan Amendment in accordance with the requirements of Water Code sections 13245 and 13246.
4. The Executive Officer is authorized to submit the Basin Plan Amendment adopted by this Resolution to the Office of Administrative Law for concurrence on its non-regulatory status and to the USEPA for informational purposes.
5. If during the agency approval process, Colorado River Basin Water Board staff, the State Water Board, or the OAL determines that minor, non-substantive

modifications to the language of the Basin Plan Amendment are needed for clarity or consistency, the Executive Officer is hereby authorized to make such changes, provided that the Colorado River Basin Water Board is notified in any manner appropriate under the circumstances.

CERTIFICATION

I, PAULA RASMUSSEN, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 11, 2024.

PAULA RASMUSSEN
Executive Officer