

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2019-0028**

**APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE LAHONTAN REGION TO REMOVE A PROHIBITION ON NEW PIER
CONSTRUCTION IN SENSITIVE AREAS AT LAKE TAHOE, EL DORADO AND
PLACER COUNTIES**

WHEREAS:

1. On March 13, 2019, the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) adopted [Resolution No. R6T-2019-0010](#), an amendment to the Water Quality Control Board for the Lahontan Region (Basin Plan) to remove a prohibition on new pier construction in sensitive areas along the California Side of Lake Tahoe.
2. The proposed Basin Plan Amendment 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.
3. Pursuant to Public Resources Code section 21080.5, the Natural Resources Agency has approved the Water Board 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 includes the staff report, the environmental checklist, responses prepared by staff to address comments provided during the public review period, the proposed basin plan amendment, and Resolution No. R6T-2019-0010. The Lahontan Water Board found that the analysis contained in the substitute environmental documentation complies with the State Water Board’s regulations for implementation of CEQA, as set forth in California Code of Regulations, title 23, section 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with Lahontan Water Board’s findings and determination.
5. The Lahontan Water Board also adopted the Basin Plan amendment pursuant to the “Necessity” standard of the Administrative Procedures Act, Government code section 11353, subdivision (b).

6. The Lahontan Water Board found the Basin Plan Amendment is consistent with State Water Board Resolution No. 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California.
7. The State Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Board may revise Basin Plans, and section 13242, which requires a program of implementation for achieving water quality objectives.
8. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). United States Environmental Protection Agency (U.S. EPA) approval is not required for this Basin Plan amendment.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Lahontan Water Board Resolution No. R6T-2019-0010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Lahontan Water Board Resolution No. R6T-2019-0010 to OAL for approval of the regulatory provisions of the Basin Plan amendment.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 2019.

AYE: Chair E. Joaquin Esquivel
Board Member Tam M. Doduc
Board Member Laurel Firestone

NAY: None

ABSENT: Vice Chair Dorene D'Adamo
Board Member Sean Maguire

ABSTAIN: None



Jeanine Townsend
Clerk to the Board