

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0043**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO ADD THREE NEW BENEFICIAL USE DEFINITIONS - TRIBAL TRADITION AND CULTURE (CUL), TRIBAL SUBSISTENCE FISHING (T- SUB), AND SUBSISTENCE FISHING (SUB) – TO THE BASIN PLAN FOR THE COASTAL WATERSHED OF LOS ANGELES AND VENTURA COUNTIES

WHEREAS:

1. On May 2, 2017, the State Water Resources Control Board (State Water Board) adopted [Resolution No. 2017-0027](#), 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 (referred to as Statewide TBU Provisions), including the Final Staff Report and the Substitute Environmental Document (SED). The Office of Administrative Law (OAL) and the United States Environmental Protection Agency (U.S. EPA) approved the Statewide TBU Provisions on June 28, 2017 and on July 14, 2017, respectively. The Resolution established three beneficial uses for the State Water Board and all Regional Water Boards to use in their Water Quality Control Plans (Basin Plans): Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). The CUL use reflects uses of water that support the cultural, spiritual, and traditional ways of living by California Native American Tribes. The T-SUB and SUB uses recognize use of some surface waters by populations that are likely to consume more fish than the average recreational angler in California.
2. On March 10, 2022, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R22-001](#). This Resolution adds to the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Los Angeles Basin Plan) three new beneficial use definitions: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). These definitions are the same as those previously established by the State Water Board when it adopted Resolution No. 2017-0027.
3. 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 confirmed as appropriate by a California Native American Tribe.

4. 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). However, this Basin Plan amendment is wholly within the scope of the Statewide TBU Provisions. No substantive changes or modifications to the statewide provisions are proposed and no substantive changes to the circumstances under which the provisions apply have occurred. Therefore, no new information triggers the need for supplemental or subsequent CEQA analysis. The 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 amendment is not subject to CEQA and, therefore, not subject to the Water Boards' certified regulatory program for implementing CEQA (Cal. Code Regs., tit. 23, §3720, subds. (b), (c)(2)).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans.
6. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
7. This Basin Plan amendment does not become effective until approved by the State Water Board and until regulatory provisions are approved by OAL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R22-001.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board

Resolution No. R22-001, as approved, and the administrative record for this action to OAL approval.

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 October 18, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

Courtney Tyler for
Jeanine Townsend
Clerk to the Board