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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE CENTRAL VALLEY 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. On February 18, 2022, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) adopted [Resolution R5-2022-0018](#) approving an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (Basin Plans) to add definitions for three new beneficial uses—Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB).
2. The Basin Plan amendment adds to Chapter 2 (Chapter 2 defines and designates the beneficial uses for all surface and ground waters in the Central Valley 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 (State Water Board) when it adopted 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 ([Resolution No. 2017-0027](#)). The Basin Plan amendment and Resolution R5-2022-0018 are posted on the Central Valley Water Board's Basin Plan Program website.
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 subsistence fishing communities will be a vital part of the beneficial use designation approach, and designations of CUL and T-SUB must be confirmed as appropriate by a California Native American Tribe.
4. 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 Board's certified regulatory program regulations for implementing CEQA. (Cal. Code Regs., tit. 23, §3720, subds. (b), (c)(2).)

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5. The Central Valley Water Board adopted the Basin Plan amendment pursuant to the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
6. The Central Valley 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 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.
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). The designations and de-designation of beneficial uses must also receive approval from the United States Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Central Valley Water Board Resolution R5-2022-0018.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Central Valley Water Board Resolution R5-2022-0018, as approved, and the administrative record for this action to the Office of Administrative Law and to the U.S. EPA for 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 September 7, 2022.

Jeanine Townsend
Clerk to the Board