

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3959.8

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

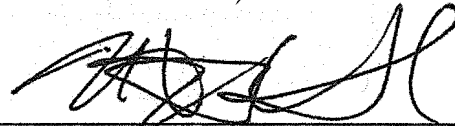
OAL Matter Number: 2019-0919-05

OAL Matter Type: Regular (S)

On March 13, 2019, the California Water Quality Control Board, Lahontan Region, adopted Resolution No. R6T-2019-0010, which amends the Water Quality Control Plan for the Lahontan Region (Basin Plan) to remove a prohibition on new pier construction in sensitive areas along the California side of Lake Tahoe. The amendment allows lakefront property owners in El Dorado and Placer counties to construct new piers in areas determined to be within significant spawning habitat. On June 18, 2019, the State Water Resources Control Board (SWRCB) approved this amendment under Resolution No. 2019-0028.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: October 29, 2019



**Thanh Huynh
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Eileen Sobeck, Executive
Director**

Copy: Daniel Sussman

REGULAR

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION *11353* See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0919-058	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board			AGENCY FILE NUMBER (if any) 2019-0028

ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California

OCT 29 2019

3:08pm

2019 SEP 19 P 3:50
 OFFICE OF
 ADMINISTRATIVE LAW

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Lahontan RWQCB Basin Plan Update	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT <i>3959.8 2</i>
	AMEND
TITLE(S) 23	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Govt Code § 11353</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, 544 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) (upon approval) <u>Govt Code § 11353</u>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON

Daniel Sussman	TELEPHONE NUMBER (530) 542-5466	FAX NUMBER (Optional) (530) 544-2271	E-MAIL ADDRESS (Optional) daniel.sussman@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Patty Z. Kouyoumdjian</i>	DATE Sept. 11, 2019
TYPED NAME AND TITLE OF SIGNATORY Patty Z. Kouyoumdjian - Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 29 2019

Office of Administrative Law

Concise Summary of Regulatory Provisions

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 6. Lahontan Region

The following section 3959.8 is to be added to Title 23 of the California Code of Regulations:

Section 3959.8 - Remove a Prohibition on New Pier Construction in Sensitive Areas

On March 13, 2019, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted Resolution No. R6T-2019-0010, amending the Water Quality Control Plan for the Lahontan Region (Basin Plan). The State Water Resources Control Board approved the amendment under Resolution No. 2019-0028 on June 18, 2019.

Resolution No. R6T-2019-0010 removes a prohibition on new pier construction in sensitive areas along the California side of Lake Tahoe. The 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.

The Basin Plan amendment: (1) provides area-wide consistency regarding pier development, (2) results in de minimis potential affects to spawning habitat and offshore stream inlet areas, and (3) acknowledges existing regulatory oversight provides adequate protection.