

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
MONTH, DAY, 2022
TENTATIVE RESOLUTION No. 2022-0XX**

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) - and to Administratively Update Chapter 2 “Beneficial Uses”

WHEREAS the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) finds that:

1. The Water Quality Control Plan for the Los Angeles Region (Basin Plan) is the Los Angeles Water Board's water quality control plan for the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan contains the region's water quality standards, which consist of beneficial uses, water quality objectives to protect those uses, and an anti-degradation policy along with a program of implementation, and non-regulatory descriptions of the region covered by the plan.
2. This amendment to the Basin Plan was developed in accordance with Water Code section 13240 *et seq.*
3. Water Code section 13000 declares, “the quality of all the waters of the state shall be protected for the use and enjoyment by the people of the state”.
4. 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.
5. On November 16, 2021, the State Water Board adopted Resolution No. 2021-0050, Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism. This amendment advances the Los Angeles Water Board’s commitment to making racial equity and environmental justice central to our work as we are implementing our mission by recognizing the important beneficial uses of waters of the state by California Native American Tribes.
6. Chapter 2 of the Basin Plan defines and designates the beneficial uses for all surface and ground waters in the Los Angeles Region. This amendment modifies the Basin Plan to add to Chapter 2 definitions and related language for three new beneficial uses: Tribal

Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). The definitions for the new beneficial uses are the same as those previously established by the State Water Board when it adopted Resolution No. 2017-0027.

7. A staff memo was prepared for this amendment that describes the proposed amendment as well as the specific purpose for this update. The staff memo, titled “Proposed Amendment to the Water Quality Control Plan – Los Angeles Region to Add Three New Beneficial Uses - Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB)” is an integral part of this Board action and was reviewed, considered, and accepted by the Los Angeles Water Board before acting at the hearing.
8. The staff memo, along with a Notice of Public Hearing, and the proposed Basin Plan amendment was publicly circulated by the Los Angeles Water Board to interested individuals and public agencies for review and comment in accordance with state requirements (Wat. Code, § 13244).
9. This amendment is consistent with the California Regional Water Quality Control Board Los Angeles Region (Los Angeles Water Board) Resolution No. 2020-004, the 2020-2022 Triennial Review Selection of Basin Planning Projects, which identified the incorporation of the tribal beneficial uses into the Basin Plan as potential project.
10. 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)).
11. Since the Basin Plan amendment is not a project nor subject to the Water Boards’ certified regulatory program for implementing CEQA, it is exempt from CEQA document filing fees required under the California Fish and Game Code.
12. Along with the addition of new tribal beneficial use definitions, the amendment administratively updates the introductory section of Chapter 2 of the Basin Plan, and specifically:

- a. Replaces “Twenty-four” beneficial uses that are identified in Chapter 2 with “Twenty-eight” beneficial uses.
 - b. Replaces “Three beneficial uses” that were added since the original 1975 Basin Plans with “Seven beneficial uses”.
 - c. Lists the seven beneficial uses: Aquaculture, Estuarine Habitat, Wetlands Habitat, Limited Water Contract Recreation, Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing.
 - d. Makes other minor editorial changes.
13. The LREC-1 beneficial use was incorporated into Los Angeles Basin Plan through an amendment adopted in 2005 (State Water Board Resolution No. 2005-0015). During a previous administrative update in 2011, the Limited Water Contract Recreation (LREC-1) beneficial use was not added to the introductory section of Chapter 2. This oversight resulted in an incorrect count of beneficial uses.
14. The amendment must be submitted for review and approval by the State Water Board and the Office of Administrative Law (OAL). The Basin Plan amendments will become effective upon approval by OAL.

THEREFORE, be it resolved that:

1. Pursuant to Water Code section 13240 *et seq.*, the Los Angeles Water Board, after considering the entire administrative record, including all oral testimony and written comments, hereby approves the staff report and adopts the amendment to the Basin Plan as set forth in the attachment to this Resolution.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment and the administrative record to the State Water Board in accordance with the requirements of Water Code section 13245.
3. The Los Angeles Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246 and forward it to the California Office of Administrative Law (OAL) for approval of regulatory provisions, if any, and forward it to the United States Environmental Protection Agency (U.S. EPA) for approval, if required.
4. If during its approval process, Los Angeles Water Board staff, State Water Board or OAL determines that minor, non-substantive changes to the amendment language or supporting staff report are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Los Angeles Water Board of any such changes.

CERTIFICATION

I, Renee Purdy, the Executive Officer, do certify that the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region on March 10, 2022.

RENEE PURDY

EXECUTIVE OFFICER

Attachment A: Basin Plan Amendment