

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
October 10, 2018**

ITEM 7

SUBJECT

Tentative Resolution Adopting the Triennial Review of the Basin Plan (Tentative Resolution No. R9-2018-0123). (*Jody Ebsen*).

STAFF RECOMMENDATION

Adoption of Tentative Resolution No. R9-2018-0123 (Supporting Document No. 1).

KEY ISSUES

1. Resources: Potential Basin Plan amendments far outweigh available resources for updating the Basin Plan. Both the large number of worthwhile projects with amendments and the lengthy administrative process necessary for making amendments limit what staff can achieve during each triennial review period. The projected resources over the next three years are not enough to fully vet and complete all the projects on the priority list (Supporting Document No. 2), however staff is working with interested stakeholders to develop additional resources.
2. Tribal Consultation: Local Tribes have requested the Tribal Tradition and Culture (CUL) beneficial use be added to the Basin Plan and applied to specific waters in the region (Supporting Document No. 3). Because tribal contacts received the Triennial Review notice very late in the process, their letter was submitted past the deadline for written comments; thus, their proposed projects do not appear on the prioritized list, nor was a written response included in the Response to Comments document (Supporting Document 4). Staff has sent replies to the local Tribes and offered to meet prior to the hearing. Staff will discuss the request during the hearing.

PRACTICAL VISION

This project advances the Practical Vision in support of Practical Vision Chapter 1: Strategizing for Healthy Waters by ensuring that San Diego Water Board basin planning efforts are best used to protect and restore the integrity of waters in the San Diego Region.

DISCUSSION

The Water Quality Control Plan for the San Diego Region (Basin Plan) designates uses for water bodies in the San Diego Region and establishes water quality objectives, policies and implementation plans to protect those beneficial uses. State and federal laws require periodic review of the Basin Plan. Because federal law requires review every three years, the Basin Plan review is also referred to as the “triennial review.”

The triennial review identifies potential revisions to beneficial uses, water quality objectives, policies that address implementation issues, and other elements of the Basin Plan. The review produces a priority list of suggested projects that serves as the basis for a three-year work plan. One or more projects may result in Basin Plan revisions.

The San Diego Water Board initiated its 2018 triennial review of the Basin Plan (Triennial Review) on March 23, 2018 by providing a workshop notice and opening a 54-day public solicitation period that ended on May 16, 2018. Staff prepared a preliminary list of proposed Basin Plan projects for consideration in the 2018 Triennial Review and invited the public to comment on the preliminary list and to submit their own ideas for potential basin planning projects. Only one project was submitted. A public workshop was held during the May 9, 2018 San Diego Water Board meeting, where interested stakeholders had the opportunity to provide verbal comments.

A draft staff report and prioritized list was then made available to the public for a 45-day comment period from June 22, 2018 to August 6, 2018. Staff prepared a response to comments document to address written comments received during the second comment period. Written comments were considered in updates to the revised draft staff report and the prioritized list.

The expected available basin planning resources allocated by the State Water Board to the San Diego Water Board are not likely enough to complete all the priority projects. The South Orange County Wastewater Authority (SOCWA), San Diego County Water Authority (SDCWA), and some of their member agencies have expressed an interest in working with the San Diego Water Board to leverage resources to work on projects associated with Climate Change Readiness: Sustainable Local Water Supply. Staff is working with the interested stakeholders to pursue resource development.

Tribal Consultation

The State Water Board adopted three new beneficial use categories in 2017 that include Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) for use by the State and Regional Water Boards.¹ Copies of public participation notices were sent by email to Tribes requesting consultation based on the list maintained by the State Water Board's Tribal Liaison with the Office of Public Participation. The San Diego Water Board received late requests from local Tribes to add the Tribal Tradition and Culture beneficial use (CUL) as a priority project, and that the beneficial use be designated to one specific location.

Due to the late submission of the requests, this project was not included in Supporting Document No. 2, nor was it responded to in writing in Supporting Document No. 4. Staff have coordinated with the Office of Public Participation to meet with the local Tribes consistent with [CalEPA Policy](#) on Consultation with California Native American Tribes.

PUBLIC NOTICE

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to email list subscribers for Board Meetings. In addition, a notice of public hearing was sent to known interested parties by email and posted on the San Diego Water Board website on August 24, 2018 (Supporting Document No. 5). Electronic copies of the Tentative Order, Draft Staff Report and Prioritized List, and Response to Comments were sent to known interested parties by email and posted on the San Diego Water Board website on September 10, 2018.

¹ [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. May 2, 2017

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2018-0123
2. 2018 Draft Staff Report and Prioritized List
3. Late Comment Letter: Pala Band of Mission Indians
4. Response to Comments
5. Notice of Public Hearing