

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

RESOLUTION NO. R3-2016-XXXX

**AMENDING THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL
COASTAL BASIN TO REVISE BENEFICIAL USE DESIGNATIONS
AND TO MAKE EDITORIAL CHANGES**

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (Water Board), finds that:

1. The Water Quality Control Plan for the Central Coastal Basin (Basin Plan) is the Water Board's master water quality control planning document and was first adopted in 1975. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and the United States Environmental Protection Agency (USEPA), where required.
2. The Basin Plan may be amended in accordance with California Water Code (CWC) section 13240, *et seq.*
3. The Basin Plan currently contains Table 2-1, a listing of inland surface water bodies and their designated beneficial uses for the Central Coast region.
4. This Basin Plan amendment (amendment) revises designated beneficial uses for selected surface water bodies already contained in Table 2-1, and adds the Old Salinas River to Table 2-1, along with beneficial uses of the Old Salinas River. These beneficial use revisions were identified in a previous triennial review of the Basin Plan. The rationale and support information for these revisions are included in the accompanying Staff Report, and are generally based on presumptive uses for recreation and aquatic life protection under section 101(a)(2) of the Clean Water Act (CWA).
5. This amendment also makes editorial changes, modifies existing Basin Plan maps and figures, and includes other clarifications without regulatory effect.
6. On May 30, 2013, the Water Board incorporated the state Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) into the Basin Plan via Water Board Resolution No. R3-2013-0005. This action became effective by OAL approval on June 3, 2014 and resulted in the removal of some Basin Plan language related to the implementation of onsite wastewater treatment systems. Additional language, however, in Chapter 5 of the Basin Plan related to onsite wastewater systems needs to be removed because it is historical and was superseded by

the incorporation of the OWTS Policy. Removal of this language is a clarification without regulatory effect.

7. This historical onsite language also incorporates, by reference, three resolutions related to onsite systems, which were superseded by the incorporation of the OWTS Policy and should be rescinded by the Water Board. These three resolutions are in the Basin Plan appendix as follows: Appendix A-13 (Resolution No. R3-69-01, "Sewerage Facilities and Septic Tanks in Urbanizing Areas in the Central Coast Region"), Appendix A-14 (Resolution No. R3-86-02, "Acceptance of Monterey County Board of Supervisor's Ordinance Applying Development Restrictions to Bay Hills Area"), and Appendix A-15 (Resolution No. R3-87-05 "Acceptance of Monterey County Board of Supervisor's Ordinance Applying Development Restrictions to the Area within the San Lucas County Water District").
8. The non-regulatory portions of this Basin Plan amendments involve changes without regulatory effect including nonsubstantive revisions to its structure, grammar, and organization (California Code of Regulations (CCR), title 1, section 100, subdivision (a)). Those portions of the proposed amendment are not a "project" within the meaning of the California Environmental Quality Act (CEQA) because it will neither cause a direct physical change in the environment, or a reasonably foreseeable indirect change. (See Public Resources Code section 21065 [defining "project"]; CCR, title 14, section 15378 [defining "project"]). As a result, the non-regulatory portions of the amendment are not subject to CEQA and, therefore, not subject to the Water Board's certified regulatory program regulations for implementing CEQA (CCR, title 23, section 3720, subdivisions (b) and (c)(2)).
9. This amendment, including specifications on its physical placement in the Basin Plan, is set forth in Attachment A to this Resolution.
10. On April 28, 2016, the Water Board publicly noticed the amendment and distributed it along with a draft supporting Staff Report and Environmental Checklist for a 45-day public written comment period in accordance with applicable State and federal environmental regulations (CWC section 13244, CCR, title 23, section 3775 *et seq.*, and 40 Code Federal Regulations Part 25).
11. On [date_of_BdMtg], the Water Board held a public hearing to receive oral comments on the proposed amendment. Notice of the public meeting was given to all interested persons and published in accordance with CWC section 13244.
12. The process of basin planning has been certified by the Secretary for Resources as "functionally equivalent" to the process of interdisciplinary environmental review prescribed by the CEQA (Public Resources Code section 21000 *et seq.*) and is therefore exempt from CEQA's requirements to prepare an Environmental Impact Report or Negative Declaration.
13. The Basin Plan amendment package includes a Staff Report, which includes an Environmental Checklist, and an assessment of the potential environmental impacts of the amendment. The amendment, Staff Report, Environmental Checklist and supporting documentation serve as a substitute environmental document under the Water Board's certified regulatory program.

14. The Water Board has duly considered the Environmental Checklist, Staff Report and supporting documentation with respect to environmental impacts and finds that the amendment will not have a significant or potentially significant effect on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. The Water Board further finds, based on consideration of the record as a whole, that there is no potential for adverse effect, either individually or cumulatively, on wildlife as a result of the Basin Plan amendment.
15. The Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan amendment, as well as all of the evidence in the administrative record.
16. The Basin Plan amendment does not include a “scientific portion,” and does not require an external scientific peer review under California Health and Safety Code section 57004(d).
17. The Basin Plan Amendment must be submitted for review and approval by the State Water Board, OAL, and the USEPA. Once approved by the State Water Board, the amendment is submitted to OAL and USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA.

THEREFORE BE IT RESOLVED THAT:

1. Pursuant to CWC section 13240, the Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendment as set forth in Attachment A to this Resolution.
2. Pursuant to CWC section 13240, the Water Board, after considering the record, including oral testimony at the hearing, hereby rescinds Resolution No. R3-69-01 (Basin Plan Appendix A-13), No. R3-86-02 (Basin Plan Appendix A-14), and No. R3-87-05 (Basin Plan Appendix A-15) previously adopted by this Water Board.
3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirement of CWC section 13245.3. The Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of CWC section 13245 and 13246 and forward it to OAL and USEPA for approval.
4. Since the Basin Plan amendment will involve no potential for adverse effect, either individually or cumulatively, on wildlife, the Executive Officer is directed to sign a CEQA Filing Fee No Effect Determination Form and to submit the exemption in lieu of payment of the California Department of Fish and Wildlife CEQA filing fee.
5. If, during the approval process, Water Board staff, the State Water Board, or OAL determines that minor, non-substantive corrections to the language of the Amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Water Board of any such changes.

I, John M. Robertson, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on [date_of_BdMtg].

John M. Robertson
Executive Officer

Attachment: A – Revised Basin Plan (strikout/underline)