

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections: 3959.9**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2020-0122-01**

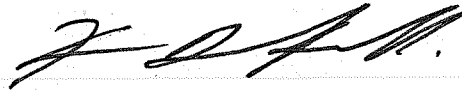
**OAL Matter Type: Regular (S)**

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This action by the State Water Resources Control Board amends the Water Quality Control Plan (Basin Plan) for the Lahontan Region by modifying the beneficial uses for the Mojave River and its tributaries and makes other revisions to the Basin Plan. The State Water Resources Control Board approved the amendment under Resolution No. 2019-0053 on October 3, 2019.

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

Date: March 3, 2020



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Kevin D. Hull  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Eileen Sobeck, Executive  
Director

Copy: Daniel Sussman

# REGULAR

# 11853

(See instructions on reverse)

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2020-022019</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		<p>2020 JAN 22 A 10:45</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	
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

MAR 03 2020  
1:54 PM

### 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 Notice re Proposed Regulatory Action <input type="checkbox"/> Other <input type="checkbox"/>	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	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)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 3959.9
	AMEND
TITLE(S) 23	REPEAL

3. TYPE OF FILING	<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Govt Code § 11353</u>	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only
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4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 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)
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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 Jan 8, 2020
TYPED NAME AND TITLE OF SIGNATORY Patty Z. Kouyoumdjian, Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

MAR 03 2020

Office of Administrative Law

## **Concise Summary of Regulator Provisions**

### **TITLE 23. Waters**

#### **Division 4. Regional Water Control Boards**

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

#### **Article 6. Lahontan Region**

*The following section 3959.9 is to be added to Title 23 of the California Code of Regulations:*

#### **Section 3959.9 – Modify Beneficial Uses for the Mojave River and its Tributaries and Other Minor Revisions**

On June 12, 2019, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted Resolution No. R6T-2019-0246, amending the Water Quality Control Plan for the Lahontan Region (Basin Plan). The State Water Resources Control Board approved the amendment under Resolution No. 2019-0053 on October 3, 2019.

Resolution No. R6T-2019-0246 modifies the beneficial uses for the Mojave River and its tributaries and makes other minor revisions to the Basin Plan. The Basin Plan amendment adds the Preservation of Biological Habitats of Special Significance (BIOL) and the Rare, Threatened, or Endangered Species (RARE) beneficial use designations to specific reaches of the Mojave River and its tributaries. It also removes the Cold Freshwater Habitat (COLD) beneficial use designation for a portion of the Mojave River. Additionally, the Basin Plan amendment updates language regarding federal Wild and Scenic Rivers in the Lahontan Region, adds language to highlight the protection of desert riparian habitat when planning off-highway vehicle routes, and makes a small number of technical revisions to improve clarity.