

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
JANUARY 5, 2010**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE STATE WATER PROJECT CONTRACTORS AND THE FEDERAL CENTRAL VALLEY PROJECT CONTRACTORS, OR A JOINT POWERS AUTHORITY COMPRISED OF THOSE CONTRACTORS, FOR REIMBURSEMENT OF THE COSTS OF ANALYSIS ASSOCIATED WITH DEVELOPING NEW FLOW CRITERIA FOR THE DELTA ECOSYSTEM.

DISCUSSION

Senate Bill No. 1, which was enacted as part of the recent water legislation package, will add section 85086 to the Water Code. This section requires the State Water Board to develop new flow criteria for the Delta ecosystem that are necessary to protect public trust resources. Pursuant to this section, the State Water Board is required to enter into an agreement with the State Water Project contractors and the federal Central Valley Project contractors, or a joint powers authority comprised of those contractors, for reimbursement of the costs of the analysis associated with developing new flow criteria for the Delta ecosystem. The proposed resolution would authorize the Executive Director of the State Water Board to enter into such an agreement.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution?

FISCAL IMPACT

None

REGIONAL WATER BOARD IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends adoption of the proposed resolution.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Water Board's Strategic Plan: to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes. This effort is also consistent with activities committed to in the Water Boards' Strategic Workplan for Activities in the Bay Delta: comprehensive review of the Bay-Delta Plan and other requirements to protect fish and wildlife beneficial uses and the public trust.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-**

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE STATE WATER PROJECT CONTRACTORS AND THE FEDERAL CENTRAL VALLEY PROJECT CONTRACTORS, OR A JOINT POWERS AUTHORITY COMPRISED OF THOSE CONTRACTORS, FOR REIMBURSEMENT OF THE COSTS OF ANALYSIS ASSOCIATED WITH DEVELOPING NEW FLOW CRITERIA FOR THE DELTA ECOSYSTEM.

WHEREAS:

1. Section 39 of Senate Bill No. 1 of the 2009-2010 Seventh Extraordinary Session (Stats. 2009 (7th Ex. Sess.) ch 5) will add section 85086 to the Water Code, effective February 3, 2010.
2. Section 85086 requires the State Water Resources Control Board (State Water Board) to develop new flow criteria for the Delta ecosystem that are necessary to protect public trust resources.
3. The flow criteria shall include the volume, quality, and timing of water necessary for the Delta ecosystem under different conditions. In developing the new flow criteria, the State Water Board shall review existing water quality objectives and use the best available scientific information.
4. Pursuant to section 85086, the State Water Board shall enter into an agreement with the State Water Project contractors and the federal Central Valley Project contractors, or a joint powers authority comprised of those contractors, for reimbursement of the costs of the analysis associated with developing the new flow criteria.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director to enter into an agreement with the State Water Project contractors and the federal Central Valley Project contractors, or a joint powers authority comprised of those contractors, for reimbursement of the costs of the analysis associated with developing new flow criteria for the Delta ecosystem, not to exceed \$600,000.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on January 5, 2010.

Jeanine Townsend
Clerk to the Board