

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0034**

FINDING THAT THE NORTH-OF-THE-DELTA OFFSTREAM (NODOS) STORAGE INVESTIGATION PROJECT (PROPOSED PROJECT), PROPOSED TO BE FUNDED BY THE DEPARTMENT OF WATER RESOURCES (DWR) UNDER THE SAFE, CLEAN, RELIABLE WATER SUPPLY ACT (PROPOSITION 204), WILL ASSIST IN THE IMPLEMENTATION OF THE 2006 WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY (BAY-DELTA PLAN)

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the Water Quality Control Plan for the Bay-Delta Plan under [Resolution No. 2006-0098](#) on December 13, 2006. The 2006 Bay-Delta Plan supersedes the 1995 Bay-Delta Plan adopted by the State Water Board on May 22, 1995, pursuant to [Resolution No. 95-24](#);
2. On March 15, 2000, the State Water Board adopted the [revised Decision 1641](#), which allocated responsibility to certain water right holders for meeting the water quality control plan objectives in the 1995 Bay-Delta Plan. Those responsibilities remain unchanged with the adoption of the 2006 Bay-Delta Plan;
3. In November 1996, California voters approved Proposition 204 (Water Code § 78500 et seq.). Proposition 204 allocates funds to the "Sacramento Valley Water Management and Habitat Protection Subaccount" (*Id.*, § 78681-78681.2). Funds from this subaccount are to be used for projects in the Sacramento Valley to assist in the implementation of the Bay-Delta Plan (*Id.*, § 78681.4);
4. DWR is the designated state agency responsible for administration of these funds;
5. The State Water Board is charged with providing adequate public review for the proposed projects and determining that proposed projects are consistent with the requirements of Water Code section 78681.4, prior to any award of funding (*Id.*, § 78681.8);
6. DWR received a request from the Sites Joint Powers Authority (JPA) for Proposition 204 funding, in the amount of \$1.75 million, to complete the environmental documents (Environmental Impact Report [EIR]/Environmental Impact Statement [EIS]) for NODOS Investigation in cooperation with DWR and the United States Bureau of Reclamation (USBR). JPA will also coordinate activities and compliance requirements with DWR and USBR including, but not limited to, meeting other requirements in the Safe, Clean, and Reliable Drinking Water Supply Act of 2010 (SBX7-2, identifying beneficiaries for the project, developing financing mechanisms and alternatives, and coordinating with local and regional interests. The NODOS EIR/EIS will evaluate several alternatives that include a Sites Reservoir. The primary planning objectives of the NODOS project are to improve water supply reliability, improve water quality, increase survival of anadromous and other native fish species, and provide flexible hydroelectric power generation. Secondary planning objectives of the project include development of additional recreational facilities and providing incremental flood damage reduction;

7. DWR has determined that the Proposed Project meets the intent of Proposition 204, because of its ability to improve operational flexibility in the system, provide supplemental flows to improve Delta water quality, and contribute to meeting other objectives of the Bay-Delta Plan, and therefore recommends that the proposed project be funded under the subaccount;
8. On June 2, 2011, DWR requested that the State Water Board review the Proposed Project for consistency with the requirements of Proposition 204;
9. The State Water Board has notified the public and interested persons that it would consider this matter at its August 16, 2011 Board Meeting; and
10. The Proposed Project - completion of the environmental documentation for the NODOS investigation - is a critical step in the process to evaluate the potential implementation of the Sites Reservoir as a means of assisting in the implementation of the Bay-Delta Plan by helping meet Delta water quality and flow-related needs, as well as assisting in the process to meet other statewide water demands.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:


Finds that the project titled "North-of-the-Delta Offstream Storage Investigation" will assist in the implementation of the 2006 Bay-Delta Plan, consistent with the requirements of Water Code section 78681.4.

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 August 16, 2011.

AYE: Chairman Charles R. Hoppin
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc

 NAY: None
 ABSENT: None
 ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board