

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2009-0067**

ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS (SOC)  
REGARDING THE 2005-2006 CONSOLIDATED GRANT PROGRAM-PROPOSITION 40  
INTEGRATED WATERSHED MANAGEMENT PROGRAM (IWMP) GRANT FOR  
SANTA CLARA VALLEY WATER DISTRICT (DISTRICT) SOUTH BAY SALT POND (SBSP)  
POND A8 APPLIED STUDY (PROJECT)

WHEREAS:

1. The Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 authorizes approximately \$300 million to implement projects that protect rivers, lakes, and streams to improve water quality and ensure clean drinking water, to protect beaches and coastal areas threatened by pollution, to improve air quality, to preserve open space and farmland threatened by unplanned development, to protect wildlife habitat, to restore historical and cultural resources, and to repair and improve the safety of state and neighborhood parks;
2. The State Water Resources Control Board (State Water Board) adopted the 2005-2006 Consolidated Grant Guidelines on January 4, 2006;
3. On September 6, 2006, the State Water Board adopted an IWMP Implementation Grant Funding List with grants totaling \$47.5 million ([Resolution No. 2006-0060](#));
4. The Project was one of the projects approved under the IWMP Implementation Grant Funding List;
5. The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) prepared an Environmental Impact Statement/Report (EIS/R) that addresses the Project (State Clearinghouse No. 2004114003);
6. CDFG certified the final EIS/R, and adopted a Mitigation Monitoring and Reporting Program and an SOC on March 11, 2008;
7. CDFG filed a Notice of Determination (NOD) with the Governor's Office of Planning and Research (OPR) on March 17, 2008;
8. The USFWS adopted the final EIS/R and filed a Record of Decision with the Federal Register on January 30, 2009;
9. The District approved the Project and adopted findings, an SOC and a Mitigation Monitoring Plan for the Project on April 28, 2009;
10. The District filed an NOD with the Santa Clara County Clerk on April 29, 2009, and OPR on May 4, 2009;
11. The State Water Board has not made findings regarding the Project pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.);

12. The District adopted an SOC to substantiate its decision to approve the Project despite potentially significant, cumulative effects on:
- Water quality from stormwater and urban runoff contaminants and mobilization of legacy pesticides and mercury in sediments;
  - The numbers of small shorebirds using San Francisco Bay resulting in potential declines in flyway-level population; and
  - Intertidal mudflats resulting in reduction of habitat for mudflat associated wildlife species;
13. The State Water Board finds that the following specific economic, social, technological, and environmental benefits of Project outweigh these unavoidable adverse environmental impacts:
- The Project will restore wetland functions and improve water quality in the South San Francisco Bay Estuary by filtering and fixing pollutants, as well as protecting designated beneficial uses;
  - The Project will provide a substantial increase in tidal marsh habitat in the area;
  - The Project will provide a continuous system of shoreline levees designed and managed to maintain and improve levels of coastal flood protection landward of the Project area;
  - The Project will provide significant long-term improvements in the fluvial flooding;
  - The Project will provide long-term navigation benefits for small water craft due to channel enlargement;
  - The Project will provide levee maintenance to ensure flood protection and reduce the potential effects on people and property from liquefaction, lateral spreading, settlement and subsequent flooding;
  - The Project will improve habitat for estuarine fish and birds by providing more extensive channel networks, higher-order sloughs, and overall greater habitat diversity and extent than would occur in marshes that develop in ponds breached unintentionally;
  - The Project will provide suitable habitat for special-status plant species by creating upland transition zones and mature tidal marsh features;
  - The Project will improve bay shrimp habitat by increasing the salinities in some freshwater sloughs and channels in the South Bay and increasing the amount of estuarine habitat; and
14. The State Water Board reviewed and considered the EIS/R, the District's findings for the Project, and other associated environmental documents and determined that the Project will improve existing water quality conditions.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts an SOC regarding the Proposition 40 IWMP Grant Project.

**CERTIFICATION**

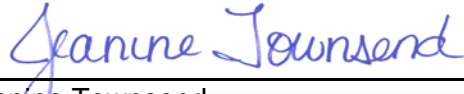
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on September 15, 2009.

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

NAY: None

ABSENT: Board Member Arthur G. Baggett, Jr.

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board