

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0006**

TO COMMIT UP TO \$1,830,000 OF PROPOSITION 40 INTEGRATED WATERSHED
MANAGEMENT PROGRAM GRANT FUNDS FOR THE ANTELOPE CREEK FISH PASSAGE
IMPROVEMENT PROJECT AND RESCIND RESOLUTION NO. 2013-0006

WHEREAS:

1. In March 2002, the voters approved the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40). Approximately \$175 million in Proposition 40 was appropriated to the State Water Resources Control Board (State Water Board) to administer through eight different programs, including \$47.5 million for the Integrated Watershed Management Program (IWMP);
2. The purpose of the IWMP is to establish a program for integrated watershed management, to improve water quality, protect and restore habitat and fisheries, reduce flooding, control erosion and sedimentation, and improve local water supply reliability through better groundwater monitoring, river corridor recreation, forest land and fuel management, and hydropower management (Public Resources Code [PRC], Section 30945-30949);
3. The State Water Board is authorized to administer Proposition 40 IWMP funds to public agencies and nonprofit organizations for the development of local watershed management plans and implementation of watershed protection and water management projects;
4. In accordance with the provisions of Proposition 40, a Memorandum of Understanding (MOU) was developed between the California Environmental Protection Agency and the Resources Agency to coordinate of the IWMP with other programs administered by the agencies;
5. In 2006, the State Water Board adopted the *2005-06 Consolidated Grants Program Guidelines* (Guidelines) establishing the evaluation criteria and the review and selection process for the 2005-06 Consolidated Grants Program, which included the IWMP and five other grant programs;
6. The State Water Board awarded the IWMP funds in accordance with the Guidelines, but residual funds are available from projects that were completed under budget or declined funds;
7. The Guidelines are out-of-date and it is more efficient to waive the Guidelines and use a directed action process to award residual IWMP funds;

8. The Tehama County Resource Conservation District (Tehama RCD), a public agency, proposes to conduct the Antelope Creek Fish Passage Improvement Project (Project). The Project consists of an instream flow study to assess fish passage in the lower Antelope Creek watershed, with a focus on the Craig Creek and Antelope Creek migratory route, as well as related implementation to enhance and protect fisheries. Implementation includes the design and retrofit of the Edward's Ranch and Los Molinos Mutual Water Company diversion structures to combine the diversions, add a new fish screen, and bypass pipe to return juvenile Central Valley spring-run and fall-run Chinook salmon and California Central Valley Steelhead trout to the stream. Edward's Ranch and Los Molinos Mutual Water Company hold pre-1914 appropriative water rights and therefore will not be required to file petitions for change of the points of diversion for this Project;
9. The Project meets the IWMP eligibility requirements outlined in Proposition 40, as the Project is a watershed protection and water management project that provides for native fisheries enhancement and the restoration of other threatened species (PRC §30947(a));
10. Other funds to support the project include the following: 1) United States Fish and Wildlife Service's (USFWS) Anadromous Fish Restoration Program (AFRP) funds in the amount of \$294,301, received by Tehama RCD to investigate hydrology, channel hydraulics and morphology, water temperature, and salmonid habitat in the mainstem Antelope Creek and associated channels to identify potential migration barriers along with opportunities for fish passage improvement; 2) California Department of Fish and Wildlife's (CDFW) Fisheries Restoration Grant Program (FRGP) funds in the amount of \$180,920 to complete planning and engineering of diversion retrofits; and 3) USFWS Anadromous Fish Screen Program (AFSP) funds in the amount of \$223,007 to design and install fish screen infrastructure. The CDFW and the USFWS funding listed in 2) and 3) are not yet secure. In the case that the CDFW FRGP and the USFWS AFSP funding sources cannot be secured, this Resolution provides backup funding for these funding sources;
11. Antelope Creek is identified as a priority stream (Group 1) in the State Water Board's *Instream Studies for the Protection of Public Trust Resources: A Prioritized Schedule and Estimated Costs 2010*, based on the presence of: Central Valley spring-run Chinook salmon; Central Valley steelhead trout; foothill Yellow-Legged frog; California Red-Legged frog; and Western Pond Turtle;
12. State Water Board anticipates the in-stream flow study and planning/design elements of the Project qualify for a Class 6 [Class 6: Basic data collection, research, experimental management, and resource evaluation activities] categorical exemption from California Environmental Quality Act (CEQA) requirements and will not result in any significant adverse environmental impacts. Tehama RCD will be lead agency for the planning and implementation components of the Project; and
13. On March 19, 2013 the State Water Board adopted [Resolution No. 2013-0006](#) to commit up to \$1,000,000 of Proposition 40 IWMP grant funds for the Antelope Creek Fish Passage Improvement Project. The original project included an implementation component to develop a structure at the Antelope/Craig Creeks split to ensure adequate flow enters Craig Creek from the mainstem of Antelope Creek. Implementation of this component was determined to be infeasible due to operation and maintenance, and insurance issues.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves up to \$1,830,000 in grant funds from the Proposition 40 IWMP for Tehama RCD's Project;
2. Authorizes the Deputy Director of the Division of Financial Assistance to issue grant agreements, amendments, and complete all tasks necessary to implement the Project;
3. Waives the Guidelines for this Project;
4. Conditions \$403,927 of the IWMP funds such that the funds will only be encumbered in the grant agreement if Tehama RCD applies for the applicable FRGP and AFSP grants and the grant funds are not awarded. If not encumbered, these funds will revert to the IWMP for allocation to another eligible project; and
5. Rescinds Resolution No. 2013-0006.

CERTIFICATION


The undersigned, Clerk to the Board, does hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on February 17, 2015.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None



Jeanine Townsend
Clerk to the Board