

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 94-90

AUTHORIZATION OF POTENTIAL VARIATIONS IN FLOW TO MEET  
SALINITY STANDARDS IN WATER RIGHT DECISION 1485 (D-1485)  
FOR SEVERAL SITES IN THE SUISUN MARSH

WHEREAS:

1. The Suisun Marsh salinity standards contained in D-1485 are implemented in stages beginning in the eastern Suisun Marsh in 1988 with full compliance required at the last station in the western Suisun Marsh in 1997. The standards in D-1485 are conditions of the water right permits of the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR).
2. Currently, the standards at six stations in the Suisun Marsh require compliance. They are C-2, S-64 and S-49 for the Eastern Marsh and S-21, S-97 and S-75 (to be monitored at S-35) for the Western Marsh. The standards are in place from October through May each year.
3. The Montezuma control structure helps to move fresh water into the Eastern Suisun Marsh to assist with meeting D-1485 standards in the Eastern Marsh. Special Condition II(1) of DWR's federal Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers for the Montezuma control structure requires an evaluation of the impact of the operation of this facility on the migration of adult salmon. This test will be conducted from September through mid-November of this year. Conduct of the test will affect the ability of DWR and the USBR to comply with the D-1485 standards at Stations S-49 and S-64 through November 1994.
4. The plan for meeting the standards in the Western Marsh is to release up to 50 cubic feet per second into Green Valley Creek from the North Bay Aqueduct or Lake Berryessa.
5. Because of uncertainties in modeling assumptions and the need to optimize real time operations, DWR and USBR have requested authorization to conduct operational tests this water year which may cause variations in meeting these standards. The tests will be conducted during September 1994 through May 1995.
6. Condition 6 of D-1485 allows variations in flows for meeting fish and wildlife standards for the purpose of conducting tests or experiments for the protection of fish and wildlife, upon the review and approval of the State Water Board.

7. The salinity levels in the western Suisun Marsh at Stations S-21, S-97, and S-75 should not exceed the levels agreed to in the Suisun Marsh Preservation Agreement. These levels are the same as the D-1485 levels in normal conditions, but incrementally exceed D-1485 levels during deficiency conditions. The Suisun Marsh Preservation Agreement was executed by the Department of Fish and Game, the Suisun Resource Conservation District, the DWR and the USBR.
8. The proposed State Water Board action is exempt from CEQA pursuant to 14 Cal. Code Regs. Section 15306 (basic data collection, research).
9. The requested variations in the Suisun Marsh salinity standards will not cause violations of municipal, industrial and agricultural standards in D-1485.
10. Because of the limited diversion rate increase from the Sacramento River, the expected minimal salmon attractant effect of the releases into Green Valley Creek this year, and the likelihood that variations in salinity will be minimal as a result of this test, this temporary authorization will not have a significant adverse effect on fish and wildlife.

THEREFORE BE IT RESOLVED:

1. That the State Water Board authorizes the DWR and the USBR to vary the flows for meeting the Suisun Marsh water quality standards at (1) Stations S-49 and S-64 for the period October through November and (2) Stations S-21, S-97 and S-74 (monitored at S-35) during the period October 1994 through May 1995 for the purpose of conducting operation tests pursuant to Condition 6 of D-1485. Variations in meeting the standards at these stations during the test will not be considered a violation.
2. That this authorization does not authorize the DWR or the USBR to violate existing or future requirements imposed under either the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544) or the California Endangered Species Act (Fish and Game Code Sections 2050 to 2098).
3. This authorization is subject to the DWR and the USBR meeting all requirements of the DFG for protection of fish and wildlife during the tests.
4. This authorization does not authorize the DWR or the USBR to allow the salinity levels in the western Suisun Marsh at Stations S-21, S-97, and S-75 during December through May to exceed levels of electrical conductivity (measured in mmhos/cm) specified as follows: 15.6 in December, January, February, and March; 14.0 in April and 12.5 in May.
5. The Executive Director of the State Water Board may revoke or suspend this authorization at any time during the test period for good cause, including but not limited to failure of the

tests to show a substantial likelihood of affecting Marsh salinities, adverse effects on meeting other standards, or adverse effects on fish and wildlife.

CERTIFICATION

The undersigned, Administrative Assistant to the State Water 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 Resources Control Board held on September 22, 1994.

  
Maureen Marché  
Administrative Assistant to the Board