

STATE WATER BOARD  
**RESOLUTION 2005-0070**

AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE CONTRACTS FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTATION IN CONNECTION WITH THE DEVELOPMENT OF PRINCIPLES AND GUIDELINES FOR MAINTAINING INSTREAM FLOWS IN NORTHERN COASTAL STREAMS IN ACCORDANCE WITH STATE POLICY FOR WATER QUALITY CONTROL AS REQUIRED BY CALIFORNIA WATER CODE SECTION 1259.4 (AB 2121)

**WHEREAS:**

1. Assembly Bill 2121 (Stats. 2004, ch. 943, §§1-3) added sections 1259.2 and 1259.4 to the California Water Code.
2. Water Code section 1259.4 required the State Water Board to “adopt principles and guidelines for maintaining instream flows in coastal streams from the Mattole River to San Francisco and in coastal streams entering northern San Pablo Bay, as part of state policy for water quality control . . .” for the purposes of water rights administration by January 1, 2007.
3. Water Code section 1259.4 was amended in July 2005 to extend the deadline for State Water Board adoption of the principles and guidelines to January 1, 2008.
4. The adoption of state policy for water quality control is exempt from the California Environmental Quality Act (CEQA) requirement to prepare an Initial Study and Negative Declaration or EIR. (Cal. Code Regs., tit. 14, §15250.) However, a Substitute Environmental Document (also called a Functionally Equivalent Document, or FED) must be prepared for this project. The FED must include, at a minimum, a project description, alternatives to the proposed project, and mitigation measures to avoid or reduce the proposed project’s effects on the environment.
5. The Budget Act of 2005, Senate Bill 77 (Stats. 2005, ch. 38) includes for the State Water Board \$3,666,000 from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund, of which \$1.5 million is earmarked for this work.
6. Additionally, \$1.5 million in the Resources Trust Fund Tidelands Oil Revenue Account has been designated for development of the principles and guidelines required by Water Code section 1259.4.

7. The Division will contract with a private environmental services firm to develop the principles and guidelines, including the supporting environmental documents.

**THEREFORE BE IT RESOLVED:**

- 1) That the State Water Board authorizes the Executive Director to advertise, negotiate, and execute contracts with environmental services firms to develop the principles and guidelines, including the supporting environmental documents, for maintaining instream flows in coastal streams from the Mattole River to San Francisco and in coastal streams entering northern San Pablo Bay.
- 2) That the contract(s) executed for development of the principles and guidelines shall not exceed \$3 million.

**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 22, 2005.

AYE: Tam M. Doduc  
Peter S. Silva  
Arthur G. Baggett, Jr.  
Richard Katz  
Gerald D. Secundy

NO: None.

ABSENT: None.

ABSTAIN: None.

  
Debbie Irvin  
Clerk to the Board