

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2018-0054**

TO APPROVE \$3,564,587 IN PROPOSITION 40 INTEGRATED WATERSHED  
MANAGEMENT PROGRAM GRANT FUNDS FOR THE ANTELOPE CREEK FISH  
PASSAGE IMPROVEMENT PROJECT

WHEREAS:

1. In March 2002, the voters passed 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 (Pub. Resources Code § 30945);
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 for the implementation of watershed protection and water management projects;
4. 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;
5. 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;
6. The Guidelines are out-of-date, and it is more efficient to waive the Guidelines and use a directed action process to award residual IWMP funds;
7. The Tehama County Resource Conservation District (Tehama RCD), a public agency, is implementing the Antelope Creek Fish Passage Improvement Project (Project);
8. 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 which included an instream flow study to determine fish passage flow needs in the lower Antelope Creek and Craig Creek, the implementation of a structure at the Antelope/Craig Creeks split to ensure adequate flow enters Craig Creek from the mainstem of Antelope Creek, and stream restoration improvements. Implementation of this scope of work was determined to be infeasible due to concerns regarding operation and maintenance, and insurance issues;

9. On February 17, 2015, the State Water Board rescinded Resolution No. 2013-0006 and adopted [Resolution No. 2015-0006](#) to commit up to a maximum of \$1,830,000 of Proposition 40 IWMP grant funds for the Project with a revised scope including the instream flow study, and the implementation of: retrofits to two diversion structures (operated by Edward's Ranch and the Los Molinos Mutual Water Company), a new intake structure and fish screen, a fish bypass pipeline, and a siphon pipeline;
10. Edward's Ranch and the 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 the Project;
11. The Project qualifies for Proposition 40 IWMP funds because it provides for native fisheries enhancement and the restoration of other threatened species (Pub. Resources Code § 30947(a)(11));
12. The Project has also been awarded \$693,039 in grant funding from the United States Fish and Wildlife Service (USFWS) Anadromous Fish Screen Program (AFSP) and \$294,301 from the Anadromous Fish Restoration Program (AFRP). In addition, California Department of Fish and Wildlife (CDFW) is also contributing \$32,700 of in-kind work;
13. 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;
14. 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. The Tehama RCD will develop appropriate CEQA documentation for the implementation components of the Project. No implementation activities will be authorized or funded until State Water Board staff have completed the environmental review process and the Deputy Director of the Division of Financial Assistance has made a determination pursuant to CEQA;
15. On December 7, 2015, the State Water Board executed Agreement No. D1512701 (Funding Agreement) that provided up to \$1,830,000 in Proposition 40 IWMP grant funds for Tehama RCD's Project;
16. Due to a determination that the preliminary design of the approved Project was in violation of CDFW regulations, the Project has encountered delays, and required some unforeseen revisions to the design that have resulted in an increase in the total project cost from \$2,124,301 to \$4,584,627; and
17. In response to the delays and previously unforeseen requirements, Tehama RCD is requesting an additional \$1,734,587 in grant funds, for a total of \$3,564,587, and a time extension to complete the Project by December 31, 2020.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves up to a total of \$3,564,587 in grant funds from the Proposition 40 IWMP for Tehama RCD's Project and authorizes the Deputy Director of the Division of Financial Assistance (DFA) to increase this amount up to \$4,000,000 for good cause;
2. Authorizes the Deputy Director of DFA to perform all acts and do all things necessary, including but not limited to, approving modifications to the scope of work, budget, schedule, and issuing funding agreements and any amendments necessary to implement the Project;
3. Authorizes the Deputy Director of DFA to withdraw the grant award if the applicant is non-responsive or DFA has exhausted reasonable efforts to resolve issues that prevent the execution of necessary amendments to the Funding Agreement;
4. Authorizes the Deputy Director of DFA to terminate the Funding Agreement where there is a violation of a material provision of the Funding Agreement by the recipient;
5. Waives the Guidelines for this Project; and
6. Rescinds [Resolution No. 2015-0006](#).

#### CERTIFICATION

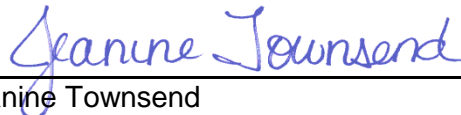
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on December 11, 2018.

AYE: Chair Felicia Marcus  
Board Member Tam M. Doduc  
Board Member Dorene D'Adamo  
Board Member E. Joaquin Esquivel  
Board Member Sean Maguire

NAY: None

ABSENT: None

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board