

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0039**

DETERMINING DELTA FLOW CRITERIA PURSUANT TO THE DELTA REFORM ACT

WHEREAS:

1. Water Code section 85086, contained in the Sacramento-San Joaquin Delta Reform Act of 2009 (Stats. 2009 (7th Ex. Sess.) ch. 5) (commencing with Wat. Code, § 85000), requires the State Water Resources Control Board (State Water Board) to develop, within nine months of enactment of the statute, new flow criteria for the Sacramento-San Joaquin Delta (Delta) ecosystem that are necessary to protect public trust resources. The purpose of the flow criteria is to inform planning decisions for the Delta Plan and the Bay Delta Conservation Plan. The statute specifies that the flow criteria shall not predetermine any issue that may arise in the State Water Board's subsequent consideration of a permit.
2. In accordance with Water Code section 85086, subdivision (c)(1), the State Water Board conducted a public process in the form of an informational proceeding to collect information used to develop the flow criteria. The State Water Board conducted the informational proceeding on March 22-24, 2010, and considered the information submitted in connection with that proceeding in developing the flow criteria.
3. The State Water Board has prepared a report determining flow criteria for the Delta ecosystem necessary to protect public trust resources. In developing the flow criteria, the State Water Board reviewed existing water quality objectives and used the best available scientific information. The flow criteria include the volume, timing, and quality of flow necessary under different hydrologic conditions.

THEREFORE BE IT RESOLVED THAT:

1. In accordance with the Delta Reform Act, the State Water Board approves the report determining new flow criteria for the Delta ecosystem that are necessary to protect public trust resources.

2. The Executive Director is directed to submit the [Delta flow criteria report](#) to the Delta Stewardship Council for its information within 30 days of the adoption of this resolution.

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 August 3, 2010.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc
Board Member Walter G. Pettit

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board