

RESOLUTION 2010-01
OF THE
BOARD OF TRUSTEES
OF
DELTA LANDS RECLAMATION DISTRICT NO. 770

I hereby certify that the following resolution was approved by the Board of Trustees of Delta Lands Reclamation District No. 770 on May 4, 2010.

WHEREAS, Delta Lands Reclamation District No. 770 (District) has a history of diverting damaging flood waters from the Tule, Kaweah, and Kings Rivers into the Friant-Kern Canal; and

WHEREAS, said diversions of damaging flood waters have protected productive agricultural lands and other improvements within the boundaries of the District; and

WHEREAS, the District wishes to continue the practice of diverting damaging flood waters into the Friant-Kern Canal; and

WHEREAS, the United States, through the Bureau of Reclamation, owns the Friant-Kern Canal and controls the use of said canal; and

WHEREAS, the Bureau of Reclamation and the District have been engaged in discussions since 2000 regarding the contractual arrangements under which the District will be allowed to continue diverting damaging flood water into the Friant-Kern Canal; and

WHEREAS, the Bureau of Reclamation and the District intend to enter into a long-term contract that provides the terms and conditions under which the District will be allowed to divert damaging flood waters into the Friant-Kern Canal; and;

WHEREAS, said long-term contract is not completed at this time, and

WHEREAS, wet hydrologic conditions in the Tule, Kaweah, and Kings watersheds can result in damaging inflows to the Tulare Lakebed that threaten District levees and place lands in the District at risk to flooding; and

WHEREAS, the District has requested the Bureau of Reclamation to provide a temporary contract and license to pump damaging floodwater into the Friant-Kern Canal; and

WHEREAS, because said long-term contract is not completed, the Bureau of Reclamation will prepare a temporary contract and license to pump floodwater; and

WHEREAS, the temporary contract and license are both intended to be in effect through May 31, 2011, with provisions for amendment by either party; and

WHEREAS, the District prepared an Initial Study for operations under the pending long-term contract and license (Project) pursuant to the California Environmental Quality Act; and

WHEREAS, the findings of the Initial Study indicated that the Project will not have a significant effect on the environment and the District adopted a Negative Declaration for the Project; and

WHEREAS, the Negative Declaration was submitted to the State Clearinghouse for distribution to interested State agencies as well as submitted directly to local agencies with a potential interest in the Project; and

WHEREAS, a 30-day public review period was provided for interested agencies to comment on the Negative Declaration and Project; and

WHEREAS, at the close of the review period, a total of three agencies responded with each agency indicating that they had no comments on the Negative Declaration or Project.

WHEREAS, on September 3, 2003, the Board of Trustees of the Delta Lands Reclamation District No. 770 found that the Project will not have a significant effect on the environment and adopted the Negative Declaration prepared for the Project and approved the Project.

THEREFORE, BE IT RESOLVED, that the Board of Trustees finds that the environmental issues associated with the pumping of damaging floodwaters into the Friant-Kern Canal under the temporary contract and license were adequately addressed in the Negative Declaration prepared for the Project; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes Trustee Walter Bricker to approve and execute the temporary contract and license, and other relevant documents on behalf of the District; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes Acting Secretary Ebony Baltazar or her successor to attest to Trustee Bricker's signing of the Contract, License, and other related documents.

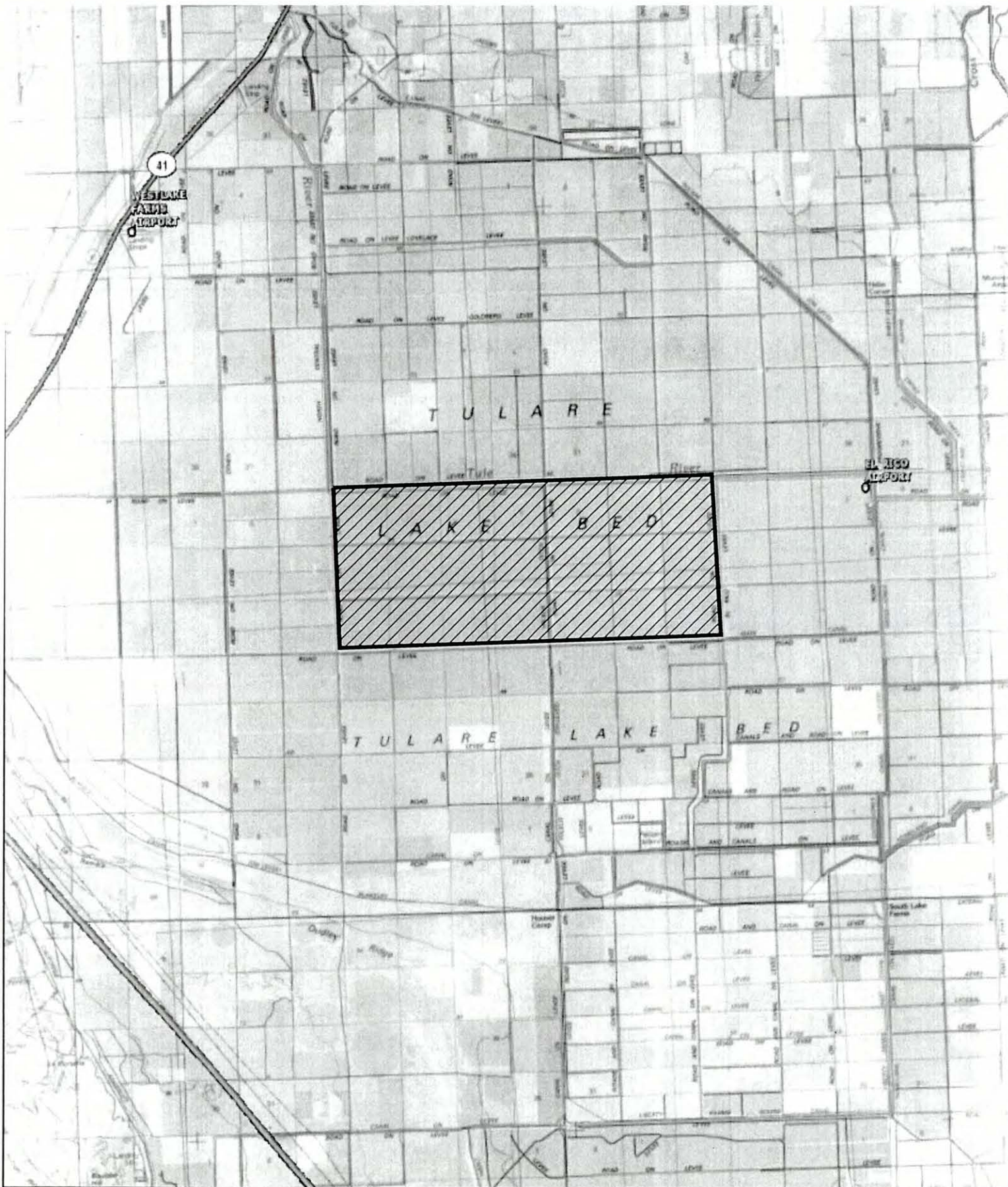
APPROVED at the May 4, 2010, meeting of the District's Board of Trustees.


Ebony Baltazar, Acting Secretary

5/5/10
Date


for Thomas Hurlbutt, President

5-5-10
Date



Delta Lands Reclamation District No. 770

Contract No. 10-WC-20-4063

Exhibit A



Contractor's Service Area

Date: May 10, 2010
File Name: N:\AubumLandAcquisitionProgram\ArcMap\RecDist770.mxd

0 0.5 1 2 3 4 5 Miles



1785-202-52