

Assembly Joint Resolution

No. 35

Introduced by Assembly Member Fuller

February 19, 2010

Assembly Joint Resolution No. 35—Relative to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AJR 35, as introduced, Fuller. Two-Gates Fish Protection Demonstration Project.

This measure would request the United States Department of the Interior to reconsider its decision to abandon implementation of the Two-Gates Fish Protection Demonstration Project and to restart the series of meetings designed to result in completion of the necessary environmental review and engineering design to construct the Two-Gates Fish Protection Demonstration Project in 2010, and would respectfully request Senators Dianne Feinstein and Barbara Boxer, Speaker of the House of Representatives Nancy Pelosi, and all other members of the California congressional delegation to request the United States Department of the Interior to restart its involvement in the Two-Gates Fish Protection Demonstration Project with the goal of completing the necessary environmental review and engineering design to construct the Two-Gates Fish Protection Demonstration Project in 2010.

Fiscal committee: no.

- 1 WHEREAS, California is in the midst of a three-year drought
- 2 that is having a severe impact on California's ability to provide
- 3 water to its citizens, businesses, and farms and threatens to extend
- 4 into a fourth year in 2010; and

1 WHEREAS, The federal government issued biological opinions
2 in 2008 and 2009 to protect the endangered Delta smelt and salmon
3 that live in or migrate through the Sacramento-San Joaquin Delta;
4 and

5 WHEREAS, The restrictions imposed by the biological opinions
6 severely restrict operation of the State Water Project's Harvey O.
7 Banks Pumping Plant and the federal water project's C.W. "Bill"
8 Jones Pumping Plant by limiting the amount of water that can be
9 moved from state and federal storage reservoirs located north of
10 the Delta to California's citizens, businesses, and farms south of
11 the Delta in the San Joaquin Valley and southern California; and

12 WHEREAS, Under the restrictions imposed by the biological
13 opinions, the State Water Project was allocated just 40 percent of
14 its water supply last year and the federal water project was allocated
15 just 10 percent of its water supply; and this year the State Water
16 Project allocation is currently 5 percent and the water allocation
17 for the federal water project is 0 percent; and

18 WHEREAS, The Department of Water Resources estimates that
19 even if 2010 is an exceptionally wet year it will only be able to
20 allocate 40 percent of the necessary water supply to California
21 citizens, businesses, and farms in the San Joaquin Valley and
22 southern California due to the restrictions imposed by the biological
23 opinions; and

24 WHEREAS, Restrictions imposed on the state and federal
25 pumping plants to protect Delta smelt and salmon have been in
26 place for decades prior to the biological opinions and those
27 restrictions were increased under the biological opinions, but have
28 failed to slow the decline of either species; and

29 WHEREAS, Despite decades of pumping restrictions, the salmon
30 fishery continues to decline and the state is experiencing an
31 unprecedented third year of closure of California's commercial
32 and recreational salmon fishery; and

33 WHEREAS, The restrictions were imposed at a time of severe
34 drought and combined to significantly increase the hardships of
35 California's citizens, businesses, and farms, resulting in the
36 fallowing of 240,000 acres of farmland that feed the nation; and

37 WHEREAS, Swift action must be taken to protect the Delta
38 smelt and salmon and to protect the water supply for California's
39 citizens, businesses, and farms; and

1 WHEREAS, California’s urban and agricultural water districts
2 have combined to develop an experimental triage project capable
3 of increasing protection of Delta smelt and salmon, while also
4 protecting water supplies, known as the Two-Gates Fish Protection
5 Demonstration Project; and

6 WHEREAS, In 2009, the Legislature, through passage of Senate
7 Bill 1 of the Seventh Extraordinary Session of the Statutes of 2009,
8 directed the Department of Water Resources to pursue
9 implementation of the Two-Gates Fish Protection Demonstration
10 Project, and the United States Department of the Interior’s Federal
11 Action Plan for the California Bay-Delta states that the “Federal
12 agencies will work in partnership with California authorities to
13 help implement key aspects of the new water legislation,” but the
14 United States Department of the Interior recently issued public
15 statements that it will no longer pursue implementation of the
16 Two-Gates Fish Protection Demonstration Project and will instead
17 engage in more study; and

18 WHEREAS, The Legislature made an appropriation of
19 \$28,000,000 for the Two-Gates Fish Protection Demonstration
20 Project; now, therefore, be it

21 *Resolved by the Assembly and the Senate of the State of*
22 *California, jointly,* That the Legislature requests the United States
23 Department of the Interior to reconsider its decision to abandon
24 implementation of the Two-Gates Fish Protection Demonstration
25 Project and to restart the series of meetings designed to result in
26 completion of the necessary environmental review and engineering
27 design to construct the Two-Gates Fish Protection Demonstration
28 Project in 2010; and be it further

29 *Resolved,* That the Legislature respectfully requests Senator
30 Dianne Feinstein and Senator Barbara Boxer to make a request to
31 the United States Department of the Interior to restart its
32 involvement in implementation of the Two-Gates Fish Protection
33 Demonstration Project with the goal of completing the necessary
34 environmental review and engineering design to construct the
35 Two-Gates Fish Protection Demonstration Project in 2010; and
36 be it further

37 *Resolved,* That the Legislature respectfully requests Speaker of
38 the House of Representatives Nancy Pelosi to request the United
39 States Department of the Interior to restart its involvement in the
40 implementation of the Two-Gates Fish Protection Demonstration

1 Project with the goal of completing the necessary environmental
2 review and engineering design to construct the Two-Gates Fish
3 Protection Demonstration Project in 2010; and be it further
4 *Resolved*, That the Legislature respectfully requests that all other
5 members of the California congressional delegation make a request
6 to the United States Department of the Interior to restart its
7 involvement in the Two-Gates Fish Protection Demonstration
8 Project with the goal of completing the necessary environmental
9 review and engineering design to construct the Two-Gates Fish
10 Protection Demonstration Project in 2010; and be it further
11 *Resolved*, That the Chief Clerk of the Assembly transmit official
12 copies of this resolution to all members of the California
13 congressional delegation.

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