

SENATE COMMITTEE ON NATURAL RESOURCES AND WATER
Senator Fran Pavley, Chair
2009-2010 Regular Session

BILL NO: AJR 38

AUTHOR: Caballero

VERSION: May 24, 2010

DUAL REFERRAL: No

SUBJECT: Public resources: Two-Gates Fish Protection Demonstration Project.

HEARING DATE: August 10, 2010

URGENCY: No

CONSULTANT: Dennis O'Connor

FISCAL: No

BACKGROUND AND EXISTING LAW

The 2-Gates Fish Protection Demonstration Project is a proposed US Bureau of Reclamation project, developed by the Metropolitan Water District of Southern California (MWDSC) and the San Luis & Delta-Mendota Water Authority (SL&DMWA), designed to test alternative ways of protecting Delta Smelt. This 5-year experiment is intended to modify flows in the Sacramento-San Joaquin Delta to reduce entrainment of smelt and other sensitive aquatic species in Central Valley Project and State Water Project export pumps. The Project would include installing two gate facilities: one at Old River between Holland Tract and Bacon Island and one at Connection Slough between Mandeville Island and Bacon Island. Construction at these sites would include removing peat material from the channel bottom and replacing it with a layer of gravel, fabricating "Butterfly" gates mounted on two barges, sinking the barges in place, installing sheet piling, and constructing boat ramps.

One of the bills in the water package passed last November was SBX7 1 (Simitian). Among other things, that bill established requirements for early actions in the Delta. Among those early actions was a requirement for Department of Water Resources to coordinate with the Department of Fish and Game, the State Water Resources Control Board, the California regional water quality control boards, and the State Lands Commission efforts to cooperate with the United States Bureau of Reclamation to construct and implement the Two-Gates Fish Protection Demonstration Project by December 1, 2010.

SBX7 1 also appropriated \$28 million of Proposition 84 funds to help finance the 2-gates project.

On December 22, 2009, the bureau sent MWDSC and SL&DMWA a letter stating, "Based on our review, and in consideration of several factors, we have concluded that the underlying scientific premise of the [2-gates] project needs to be established before the projects can go forward, including the installation of the proposed gates." On the same day, the US Department of Interior (DOI) released the "Interim Federal Action Plan for the California Bay-Delta". That plan also noted the need for additional science regarding the 2-gates project, and called for "the U.S. Geological Survey (USGS), to immediately undertake and implement a new project ... to evaluate the smelt-turbidity relationship, with the hope that the project can provide information more quickly than waiting for the installation of the 2-Gates project."

PROPOSED LAW

This resolution would make a number of statements regarding the challenges of water management in the Delta, and would resolve “that the Legislature requests the United States Department of the Interior to prioritize completion of its study of the Two-Gates Fish Protection Demonstration Project in the Sacramento-San Joaquin Delta.”

ARGUMENTS IN SUPPORT

Supporters assert that the 2-Gates project represent the best option for not only investigating the effects of turbidity on smelt, but for providing a solution to the conflicts that result in reduced Delta exports. They support AJR 38 to keep the federal government’s “feet to the fire” to complete the necessary studies and to implement the project as soon as practicable.

ARGUMENTS IN OPPOSITION

Opponents argue that the science does not support moving forward with the project. They question why the state would attempt to restart a project determined not to be viable and one that has serious impacts on the Delta and its communities. In particular, they note that the project, by blocking Old River and Connection Slough, would pose serious navigation problems, not just for recreational boaters, but for emergency marine response crews as well.

COMMENTS

“Prioritize Completion” of the Study? The resolution asks DOI “to prioritize completion of its study of the Two-Gates Fish Protection Demonstration Project.” Webster’s defines *prioritize* to mean “to arrange (items) in order of priority.” DOI has, it just hasn’t given the project the priority that the supporters would like.

SUGGESTED AMENDMENTS: None

SUPPORT

Association of California Water Agencies
Chambers of Commerce Alliance (Ventura & Santa Barbara Counties)
City of San Diego
Metropolitan Water District of Southern California
Southern California Water Committee

OPPOSITION

Contra Costa County
Recreational Boaters of California
Sacramento County
Solano County
Yolo County