



**RBOC**  
Protecting your boating interests.

**925 L Street • Suite 220  
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**David Brinkler**  
President

**Linda Hansen**  
Vice President - North

**Anne Sachs**  
Vice President - South

**Bob White**  
Secretary - Treasurer

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Past President

**Legislative Advocates**  
**Jerry Desmond**  
Executive Vice President

**Jerry Desmond, Jr.**  
Director of  
Government Relations

September 22, 2009

Daniel W. Hancock, Chairman  
Little Hoover Commission  
925 L Street, Suite 805  
Sacramento, CA 95814

RE: September 24 Public Hearing on Water Governance

Chairman Hancock:

This is to inform the Little Hoover Commission [Commission] of the concerns of Recreational Boaters of California [RBOC] with an item pertaining to Water Governance that is the subject of a public hearing the Commission has scheduled for September 24.

The recreational boating community is very concerned with a proposal to place gates across two locations in the South Delta (Old River and Connection Slough) within the 2-Gate Fish Protection Demonstration Project.

This issue has been presented to the Commission in the September 17, 2009 document *"Reality Check: California's Water Crisis"* the Department of the Interior [DOI] has provided to the Commission. The DOI states on Page 3 of the document that it is expediting review of the gates.

The attached RBOC letter of September 22 to Ken Salazar, Secretary of the DOI, expresses the concerns of the recreational boating community with the proposed gates.

RBOC would welcome and appreciate the opportunity to discuss the project and the concerns of the recreational boating community. We will contact the Commission office in this regard.

Sincerely,

*Jerry Desmond, Jr.*

Jerry Desmond, Jr., Director of Government Relations  
Recreational Boaters of California

Enclosure

C: Ken Salazar, Secretary, United States Department of the Interior  
Michael Chrisman, Secretary, California Resources Agency  
Lester Snow, Director, Department of Water Resources  
Don Glaser, Director, Mid-Pacific Region, Bureau of Reclamation  
Roger Patterson, Assistant General Manager - Strategic Water Initiatives, Metropolitan Water District of Southern California  
Ray Tsuneyoshi, Director, Department of Boating and Waterways  
Lucia Becerra, Chief Deputy Director, Department of Boating and Waterways  
Linda Fiack, Executive Director, Delta Protection Commission  
Bill Wells, Executive Director, California Delta Chambers and Visitors Bureau  
Bill Needham, Commodore, Pacific Inter-Club Yacht Association  
Board of Directors, Pacific Inter-Club Yacht Association  
Board of Directors, Recreational Boaters of California



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Ken Salazar, Secretary  
United States Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Secretary Salazar:

Recreational Boaters of California [RBOC] has read the September 17, 2009 document entitled "*Reality Check: California's Water Crisis*" the Department of the Interior has provided to the Little Hoover Commission [LHC] in advance of the Commission's September 24 public hearing on Water Governance.

The recreational boating community is very concerned with the proposed gates across two locations in the South Delta (Old River and Connection Slough) that are proposed within the 2-Gate Fish Protection Demonstration Project that is mentioned on Page 3 of the document.

RBOC has previously presented these concerns to the United States Bureau of Reclamation, the California Department of Water Resources, and the Metropolitan Water District of Southern California.

RBOC has read the 2-Gate Fish Protection Demonstration Project Summary Document (July 16, 2009). Our organization commends the proposed efforts to use an adaptive management framework to test hypotheses and monitor the effects of varying water conditions on the behavior and distribution of delta smelt. Testing hypotheses of relationships among flows, turbidity levels and delta smelt distribution is important research. It is probable that this research will result in a better understanding of the needs of delta smelt and of the functioning of the Delta. Future decisions can be based on this scientific data.

RBOC is concerned with the structure and function of the 2 gates that are proposed. The width of 75 feet when the butterfly gates are opened is quite adequate for boat passage, but when the gates are closed it is noted that a boat ramp can be used for boat passage (p. 28). The structure of this boat ramp and its mode of operation are not specified. Is this for the passage of small "trailerable boats"? How would it operate? How will larger boats be accommodated, and under what operating criteria and procedures, to transit the waterway when the gates are closed?

We have reviewed the initial operational scenarios for the 2-Gate Project on page 34. It is of concern that the gates will be closed for extended periods of time in March- April and May 16 - June 30. These are prime boating times, especially for the residents in the area south of the gates. Discovery Bay, a water oriented community of some 10,000 residents and some 3,700 homes, would be impacted the most when the gates are closed particularly when traveling by water to the western Delta. They would have very limited water exit or entrance to and from their community.

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## RECREATIONAL BOATERS OF CALIFORNIA

US Department of the Interior Document "Reality Check: California's Water Crisis"

September 22, 2009

PAGE TWO

Also of concern is the need of law enforcement and U.S. Coast Guard boats for rapid and unencumbered access. In addition access and ease of movement is needed by working vessels such as barges, tugs and other vessels involved in possible emergency levee repair or maintenance as well as farm barges to transit the area with farm equipment and workers.

The public's long established right of vessel passage under the public use doctrine to transit the Delta waterways unimpeded by gates or barriers must be fully mitigated to satisfy the needs of a wide variety of boats of all sizes (length, draft, weight, etc.).

The gates are described as being temporary and operational for up to a 5 year period of time. We are aware that temporary structures have a way of becoming permanent particularly if the gate operations in this case meet the hypotheses of the study. If the gates are temporary, where would they go at the end of the 5 year period and what restoration of the channel bottoms and depths would occur? If, at the conclusion of the study, the gates are to be made permanent what accommodations will be made to assure continued boater access to navigable waters, including medium and large boats?

RBOC has a long history of advocating the keeping of the navigable waters of California open and accessible for boating. In northern California this is especially important on Delta waterways, as changes are contemplated by the Bay Delta Conservation Plan, the Cal/FED Bay Delta Program, the California Department of Water Resources, the Bureau of Reclamation, various water districts dependent upon delta water supplies, various state, federal and local flood management agencies, and others. RBOC prefers that as changes occur to Delta waterways, especially with the installation of gates or other barriers, that the appropriate mitigation is the installation of operable boat locks at these locations at no cost to boaters.

I write to you on behalf of RBOC to submit our comments and to request the opportunity to meet with you in order to obtain a clear understanding of the manner in which the gates will be constructed and to seek an understanding of the operating criteria and procedures that will be utilized once the gates are installed and are in operation.

We look forward to a productive dialogue and offer to facilitate the discussion of these issues by hosting the initial meeting at the office of RBOC's advocates, Desmond & Desmond, 925 L Street, Suite 220, Sacramento, CA 95814 [916.441.4166].

Please contact me to confirm a meeting. I can be reached through the RBOC office at 916.441.4166, [rboc@rboc.org](mailto:rboc@rboc.org); or during the day at the Placer County Water Agency 530-823-4860.

Sincerely,

*Dave Breninger*

David Breninger, President

C: Daniel Hancock, Chair, Little Hoover Commission  
Michael Chrisman, Secretary, California Resources Agency  
Lester Snow, Director, Department of Water Resources  
Don Glaser, Director, Mid-Pacific Region, Bureau of Reclamation  
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Board of Directors, Recreational Boaters of California



**U.S. DEPARTMENT OF THE INTERIOR**

OFFICE OF COMMUNICATIONS

CONTACT: KENDRA BARKOFF (DOI) 202-208-6416

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## **REALITY CHECK: CALIFORNIA'S WATER CRISIS**

From California's Bay Delta and the farms of the Central Valley to the fisheries of northern California and cities in the south, a third year of severe drought is affecting the lives of all Californians. This document aims to provide clear, accurate responses to questions about the state's water crisis so that Californians can make informed decisions about water use and help build a sustainable water future for themselves and their communities.

### **RHETORIC: "REGULATORY DROUGHT"**

**Q:** *Is it true, as some people claim, that water shortages and high unemployment rates in California's Central Valley are the result of a man-made, "regulatory" drought, as opposed to natural conditions?*

**A. Not true.** California's water crisis is even more troubling than critics contend. The state is in its third year of a severe drought, caused by below average precipitation and significantly lower run-off into the Sacramento-San Joaquin Bay Delta. As a result, one-third less water is available to the 25 million Californians who depend on the Bay Delta for their drinking water and for the farms in the Central Valley that produce half of the nation's fruits and vegetables. Moreover, California's Bay Delta is in a state of full environmental collapse and the state's water infrastructure, built fifty years ago for a population half as large, can't handle the stress of the current crisis.

- For information from about historic precipitation levels and the drought's causes, from the Bureau of Reclamation, [click here](#), and from the California Department of Water Resources [click here](#).
- To read about the challenges facing California's outdated water infrastructure and California's Bay Delta, [click here](#).
- To read a *Sacramento Bee* editorial about the California water crisis, [click here](#).

### **RHETORIC: "TURN ON THE PUMPS"**

**Q.** *Some people are blaming the Obama Administration's efforts to conserve salmon populations and the delta smelt, a threatened fish, for water shortages in the Central Valley. They are asking the federal government to turn on water pumps that deliver water through the Bay Delta to Central Valley users, but which - to protect the Bay Delta and fish populations - were recently subject to temporary pumping restrictions. **Why won't the Obama Administration turn the pumps on?***

**A. The pumps are on.** The temporary pumping restrictions that were required under the Endangered Species Act ended on June 30<sup>th</sup>. They accounted for approximately one-quarter of 2009 water delivery shortages to farms and water users; the other three-quarters of this year's delivery shortage were the result of a lack of run-off.

To help alleviate water shortages caused by the lack of precipitation and pumping restrictions, the federal government's Bureau of Reclamation has helped move more than 600,000 acre feet of water to communities in most need, and is taking steps to prepare for a potential fourth year of drought.

In addition, the Obama Administration is investing over \$400 million ([click here](#), [here](#), and [here](#)) through the President's economic recovery plan to help modernize California's water infrastructure, including over [\\$40 million](#) through the Bureau of Reclamation in emergency assistance to help water-short Central Valley farmers through the construction of temporary pipelines and pumps, new water wells, well-enhancement projects, and a groundwater monitoring effort.

### **RHETORIC: "GOD SQUAD"**

**Q.** *I have heard some say that the Administration should have convened a so-called "God Squad" of Cabinet officials with the power to manage California's water crisis from Washington and override the Endangered Species Act's protections on endangered wildlife. **Is a "God Squad" the right solution for California?***

**A. No.** The creation of a "God Squad" would override protections on California's watersheds – on which 25 million people depend for clean drinking water - and turn the state's water crisis over to the courts. Moreover, a "God Squad" would undermine the ability of local communities, local water districts, and federal and state water experts to find collaborative, constructive solutions to deliver water where it is needed most in current drought conditions. Trying to force more water out of a dying system will only cause more human tragedy and environmental collapse, while diverting attention from the real need to fix the broken water system in California after decades of neglect.

### **WHAT CAN WE DO NOW?**

**Q.** *How can we tackle California's water crisis and help those most affected by the drought?*

**A. Everyone shares responsibility** for finding practical solutions that will help California weather the drought and build a sustainable water future. Confronting these challenges will require honest discussion of tough choices and unprecedented cooperation at all levels of government and among stakeholders. "...This problem," says the Fresno Bee, "is too complex for quick fixes, and it will take state and federal action to resolve it." Editorial, Fresno Bee, June 30, 2009.

It is vital that the federal government, which has been absent from California's water crisis in recent years, reengage as a full partner in tackling the state's water challenges. That is why the Obama Administration has already taken [several major steps](#) to help Californians weather the drought and build a sustainable water future, including:

- **RENEWED FEDERAL ENGAGEMENT.** Secretary Salazar has directed the Deputy Secretary of the Interior David J. Hayes to lead federal government actions addressing short-term and long-term water supply and environmental challenges that are affecting the State of California.
- **MAJOR WATER INFRASTRUCTURE INVESTMENTS.** Interior is investing over \$400 M through the President's economic recovery plan in California's water infrastructure, including [\\$40 M](#) in immediate drought relief projects. The drought relief projects include temporary pipelines and

pumps, new domestic and irrigation water wells, well-enhancement projects, and a groundwater monitoring effort.

- **WATER TRANSFERS.** Interior, through the Bureau of Reclamation, is facilitating the transfer of over 600,000 acre feet of water to places most in need.
- **BAY DELTA CONSERVATION PLAN.** Secretary Salazar has elevated Federal involvement and leadership in the development of the State-led Bay Delta Conservation Plan (BDCP), a collaborative planning process that seeks to provide for a sustainable Sacramento-San Joaquin Delta and to address the needs of several threatened and endangered species while improving water system reliability south of the Delta.
- **2-GATES PROJECT.** Interior has expedited the review of a proposed 5-year experiment designed to test alternative ways of protecting delta smelt by modifying flows in the Sacramento-San Joaquin Delta. The project would use gate structures mounted on barges that would be sunk into place on Old River and Connection Slough and then operated to reduce turbidity near the State and Federal pumps.
- **DELTA-MENDOTA CANAL (DMC) AND CALIFORNIA AQUEDUCT INTERTIE PROJECT.** Interior has expedited review of a project to connect the DMC and Aqueduct via a new pipeline and pumping plant to help meet water supply demands, allow for maintenance and repair activities, and provide the flexibility to respond to CVP and SWP emergencies. A Record of Decision is planned to be signed in December 2009 allowing initiation of construction.
- **BANKED GROUNDWATER.** Reclamation is prioritizing the review and approval of proposals for the return of previously banked groundwater.
- **WATER RESCHEDULING.** Interior has approved requests from water contractors to “reschedule” (carryover) 2008 water supplies they had conserved in San Luis and Millerton Reservoirs into 2009. The total water rescheduled in San Luis Reservoir was 336,701 acre-feet and 55,615 acre-feet in Millerton Reservoir (Friant Division).
- **BIOLOGICAL OPINIONS.** This past year, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) issued biological opinions in order to prevent the extinction of salmon and delta smelt in California. The Obama Administration is fully committed to the integrity of the scientific process, and is actively exploring options to provide additional, independent scientific reviews to complement the independent reviews that the biological opinions already have received, and to address related scientific issues associated with the continuing decline of the Bay Delta ecosystem.
- **RED BLUFF PUMPING PLANT.** Interior’s Bureau of Reclamation has finalized a funding agreement with the Tehama-Colusa Canal Authority (TCCA) to build an interim pumping plant at Red Bluff Starting in May, 2009 this has allowed for pumping of an additional 500 cubic feet per second (cfs) of water to TCCA for irrigation. The interim pumping plant will allow the gates of the Red Bluff Diversion Dam to remain open, providing unimpeded fish passage for threatened and endangered salmon, steelhead, and green sturgeon, as well as other fish species.