

AMENDED IN ASSEMBLY APRIL 22, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**Assembly Joint Resolution**

**No. 38**

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**Introduced by ~~Assembly Members Arambula and Caballero~~  
*Assembly Members Caballero, Fuller, and Arambula***

February 25, 2010

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Assembly Joint Resolution No. 38—Relative to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AJR 38, as amended, ~~Arambula Caballero~~. Public resources: Two-Gates Fish Protection Demonstration Project.

This measure would request the United States Department of the Interior to complete its study of ~~the Sacramento-San Joaquin Delta~~ through the Two-Gates Fish Protection Demonstration Project *in the Sacramento-San Joaquin Delta*.

Fiscal committee: no.

1 WHEREAS, According to the National Oceanic and  
2 Atmospheric Administration's Satellite and Information Service,  
3 the western region of the United States, ~~since 2007, has experienced~~  
4 a severe to extreme drought, ~~decreasing from 2007 to 2009,~~  
5 *inclusive, which decreased* water supply by as much as 8 percent;  
6 and

7 ~~WHEREAS, During these abnormal times, it is understood that~~  
8 all

9 *WHEREAS, The* people in the state must do all they reasonably  
10 can to reduce water use and ensure that water is made available to  
11 meet the state's demands in an environmentally conscious way;  
12 and

1 WHEREAS, Although all Californians suffer from reduced  
2 water supply, those that are especially hit are those who live within  
3 water supply, especially affected may be those who live in rural  
4 farming communities; and

5 WHEREAS, ~~The~~ *In 2009, the* Westlands Water District, which  
6 serves the western parts of Fresno and Kings Counties, caused  
7 220,000 acres of land to lie fallow when it reduced outflow to farm  
8 lands to 10 percent, which was a full 15 percent lower than  
9 reductions made in much more severe droughts in the past. This  
10 in turn caused 4,200 jobs tied to that land to be lost as well, causing  
11 citizens and workers to join the ever-growing ranks of the  
12 unemployed, according to a study conducted by the University of  
13 California at Davis; and

14 WHEREAS, The Legislature is aware that the outflow reductions  
15 were made in an effort to protect the endangered Delta smelt, a  
16 fish that calls the San Joaquin-Delta water region home. These  
17 reductions came about as a result of a biological opinion released  
18 by the Fish and Wildlife Service (FWS), which resulted in a further  
19 court decision by a federal district court that restrained the Central  
20 Valley Project (CVP) and State Water Project (SWP) from  
21 withdrawing water that compromises a court mandated minimum  
22 of 5,000 cubic feet per second (CFS) in upstream flow for any  
23 seven-week average; and *were made in an effort to protect the*  
24 *state and federally listed Delta smelt, a fish native to the*  
25 *Sacramento-San Joaquin Delta Estuary. These reductions came*  
26 *about as a result of a United States Fish and Wildlife Service*  
27 *biological opinion that is the subject of further legal challenge in*  
28 *a federal district court; and*

29 WHEREAS, *Because of the three-year drought and the*  
30 *restrictions imposed by the biological opinion, the State Water*  
31 *Project water allocation was just 40 percent of its contracted water*  
32 *supply last year, and the federal Central Valley Project water*  
33 *allocation was just 10 percent of its contracted water supply. As*  
34 *of March 30 of this year, the State Water Project water allocation*  
35 *is just 20 percent, and the water allocation for agriculture served*  
36 *by the federal Central Valley Project is 30 percent; and*

37 WHEREAS, *Restrictions imposed on state and federal pumping*  
38 *facilities to protect the Delta smelt and salmon have been in place*  
39 *for over a decade, but the decline of these and other species*  
40 *continues; and*

1 WHEREAS, These outflow reductions have produced very  
2 human consequences. The Western Farm Press reports that farmers  
3 have lost 600,000 acre feet of water since the decision in December,  
4 meaning that 500,000 acres of farmland have been made to lie  
5 fallow. This has caused growers and processors to cut as many as  
6 1,150 jobs in field-related jobs and 21,000 agricultural jobs in  
7 general, with more likely to occur, producing a 40-percent  
8 unemployment rate in parts of San Joaquin Valley. This has human  
9 consequences. In 2009, the Western Farm Press reported that  
10 farmers lost 600,000 acre-feet of water because of environmental  
11 protections, meaning that 500,000 acres of farmland were made  
12 to lie fallow. This caused growers and processors to cut as many  
13 as 1,150 field-related jobs and 21,000 general agricultural jobs,  
14 contributing to a 40-percent unemployment rate in parts of San  
15 Joaquin Valley. This has produced a net economic loss of \$1 billion  
16 at a time when the state cannot afford to lose income; and

17 WHEREAS, Currently, the FWS is conducting a study *studies*  
18 *are ongoing* to further investigate the influences of water pumping  
19 on the Delta smelt population; and

20 WHEREAS, While there are many projects to be considered,  
21 the Legislature urges expedient consideration of the Two-Gates  
22 Fish Protection Demonstration Project. With \$28 million of funding  
23 for the project allocated as part of Proposition 84, with the rest of  
24 the costs being met by a combination of federal and private funds,  
25 Senate Bill 1 (Chapter 5 of the Seventh Extraordinary Session of  
26 the Statutes of 2009) will provide for an experimental program  
27 that will install gates to prevent the Delta smelt from coming too  
28 close to water pumps; and for the project allocated as part of  
29 Proposition 84 (Senate Bill 1, chaptered as Chapter 5 of the  
30 Seventh Extraordinary Session of the Statutes of 2009) and the  
31 rest of the costs being met by a combination of federal and private  
32 funds, the project will provide for an experimental program that  
33 will install gates to reduce the loss of the Delta smelt at the state  
34 and federal pumps; and

35 WHEREAS, While information about how the Two-Gates Fish  
36 Protection Demonstration Project will affect the Delta smelt is  
37 unclear, it presents the most the project presents a viable option  
38 to immediately protect an endangered species and begin to return  
39 much needed jobs to rural Californians; and

1     *WHEREAS, Swift action must be taken to protect the Delta smelt*  
2     *and salmon and to protect the water supply for California's*  
3     *citizens, businesses, and farms; and*

4     WHEREAS, It is important to preserve endangered species,  
5     and, perhaps more importantly, to conduct studies efficiently and  
6     accurately, removing the need for more studies and more funds  
7     the state is struggling to amass as well as to conduct studies  
8     efficiently and accurately, and given the previously mentioned  
9     human tragedy, expediency is of utmost importance in this matter;  
10    now, therefore, be it

11    *Resolved by the Assembly and the Senate of the State of*  
12    *California, jointly, That the Legislature requests the United States*  
13    Department of the Interior to complete its study of the  
14    Sacramento-San Joaquin Delta through the Two-Gates Fish  
15    Protection Demonstration Project *in the Sacramento-San Joaquin*  
16    *Delta; and be it further*

17    *Resolved, That the Chief Clerk of the Assembly transmit copies*  
18    of this resolution to the author for appropriate distribution.