



## WATER RESOURCES AGENCY

# MEMORANDUM

---

Monterey County

**DATE:** January 23, 2018

**TO:** Legislative Committee  
**FROM:** Elizabeth Krafft, Senior Hydrologist  
**SUBJECT:** White Bass Legislative Committee Update

The Agency has been working with the California Department of Fish and Wildlife (CDFW) since 2015 to identify a solution to the potential movement of white bass from Nacimiento Reservoir into San Antonio Reservoir via the Interlake Tunnel and Spillway Modification Project (Project).

In mid-2017 it appeared that CDFW was willing to enter into a Memorandum of Agreement (MOA) with the Agency and was committed to arrange funding for a fish screen to inhibit movement of white bass from Nacimiento into San Antonio. Since then CDFW has stated that it cannot provide funding for fish screens and there has been little progress on finalizing a MOA even though some iterations of the MOA have passed back and forth between the two Agencies. CDFW promised another draft to the Agency by January 9, 2018 that as of this writing had not arrived.

The Agency, its consulting engineers and CDFW have discussed several design options in-depth and CDFW has recently decided that it will provide fish screen design "guidelines". Those guidelines have not yet been provided, but based on prior discussions the Agency currently has three design options on the table:

1. Baseline – no fish screen required (no incremental cost to Project).
2. Fixed plate screen with 1.75 mm mesh in wet well (\$8.5 million incremental cost over baseline).
3. ISI cylindrical screens with 1.75 mm mesh (\$10.76 million incremental cost over baseline).

Because of the lack of progress in reaching an agreement on funding the fish screens with CDFW the Agency has identified four potential courses of action to allow the Project to proceed. These actions are not exclusive and could be perused in parallel.

1. CDFW amends the Proposition 1 Watershed Restoration & Delta Water Quality and Ecosystem Restoration Grant Programs to allow a fish screen for the Project to be eligible

to apply for grant funds. CDFW administers this grant program and for the past two rounds there has been approximately \$80 million dollars available with average award amount being less than \$1 million and the highest award being approximately \$5 million. In addition, timing of any award is problematic.

2. Agency Act legislation: Sponsor legislation to state that:
  - a. Where a fish screen is required by any local, State or Federal agency, official or office and the fish screen is required to minimize or avoid the passage of white bass;
  - b. Passage of white bass is incidental to purpose of project on which fish screen required;
  - c. The State initially stocked, planted, or facilitated placement of the white bass that the screen is meant to address; and,
  - d. The Project is designed for a beneficial use; then,
  - e. If the State does not fund the incremental capital and O&M costs of the fish screen so that it can be constructed within the Project schedule, then the fish screen requirement shall be deemed excused and any incidental passage of white bass is deemed permitted under Fish and Game Code Sections 6400 and 6400.5.
3. Sponsor legislation to provide that California Fish and Game Code Sections 6400 and 6400.5 do not apply to the integrated reservoir system created by the linking of the San Antonio and Nacimiento Reservoirs by an interlake tunnel, as authorized by MCWRA Act 11.1.
4. Request a California Attorney General opinion regarding the applicability of CA Fish and Game Code sections 6400 and 6400.5 to the Project.

After more than 29 months of discussions with CDFW, the Agency does not have a viable solution to address the potential movement of white bass from Nacimiento Reservoir into San Antonio Reservoir. The Project timeline dictates that a resolution of this issue is necessary within the next few months.