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California Legislature

Senate Committee

on

Natural Resources and Water

DARRELL STEINBERG
CHAIR

January 25, 2008

RECEIVED

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DIRECTOR'S OFFICE

Mr. Will Kempton, Director
California Department of Transportation
1120 N St.
Sacramento, CA 95814

Re: Fish Passage and SB 857 (Kuehl)

Dear Director Kempton:

I am writing to seek your assistance. In 2005, Senator Sheila Kuehl's legislation, SB 857, was passed and in the intervening years CalTrans has reported on its efforts to remediate barriers to fish passage pursuant to that statute. My staff, Bill Craven, has met with CalTrans to talk about these reports, and he has indicated to me that CalTrans is making progress, both culturally and on a limited number of projects, in providing better access for fish passage.

I am asking for your help in improving the department's reporting of its efforts, in increasing the numbers of projects for which fish passage improvement is successfully achieved, and in establishing some uniformity across CalTrans' districts in providing assessments and reporting of barriers. The passage by the voters of the infrastructure bond package was vitally important to the future of our transportation system, and I am sure, that under your leadership, CalTrans is fully appreciative of the fact that these projects must be fully compliant with SB 857. My concern is based on the obvious fact that the condition of many anadromous fish species (salmon and steelhead) is worsening, and so the ability of CalTrans to plan for fish passage with the many coastal projects that it will undertake in the near future is even more important.

As you know, as of October, 2006, the California Passage Assessment Database, had identified more than 1600 structures owned by CalTrans that are known or potential barriers to fish passage. In District 1 alone, 312 sites were surveyed consistent with DFG standards. In other districts, some survey work has proceeded, but the results have not necessarily been reported to project proponents, local governments, or others who might pursue implementation in a timely fashion. It is very important for the success of this

effort that the "inventory" work done by some CalTrans districts instead emulate the work in District 1.

Subsequent to the last meeting between my staff and CalTrans' staff, I have learned that in several high-priority projects, little progress overall has been made on improving fish passage despite many offers of assistance from fish passage improvement proponents. I am told that factors range from liability concerns to workload considerations or even to shifting priorities within the department. However, I am concerned that even projects such as Fish and Ryan Creek (tributaries to the Eel River, and the department's top two priorities in District 1), where outside funders have paid for feasibility and preliminary design, that the department has not sought the assistance of others to help complete these important projects. I am sure some at CalTrans may have alternative views, and I am interested in learning of those, but these circumstances would seem to indicate that more needs to be done on a statewide basis to achieve the ultimate purposes of SB 857.



Moreover, I am told that despite the efforts of the Fish Passage Forum, an affiliation of agencies and individuals that are seeking to improve fish passage throughout the state, that CalTrans, after 5 years of deliberation, last year refused to enter into a negotiated memorandum of understanding and instead offered to cooperate informally with the Forum. I would ask that you reconsider that decision in light of the possibility that perhaps a more formalized level of cooperation would achieve a higher degree of partnership and assistance with other agencies and project proponents for these often complex and costly projects at locations that have been identified as high priority barriers to fish passage.

My role in the Senate causes me to work very closely with the Resources Agency, and in that capacity I have learned that there is widespread support for the continued and even more intense involvement of CalTrans in helping remediate fish passage issues. It is on that score that I seek your assistance.

To that end, I would like for you to consider encouraging the department, in addition to joining the Fish Passage Forum, to conduct and report more timely assessments of barriers to fish passage so that those interested in specific projects will have adequate opportunity to provide input, to provide more information to the Resources Agency and the Fish Passage Forum about upcoming CalTrans projects in coastal watersheds including, if at all possible, a schedule and a budget for those high-priority projects that could be made available to the public. As you know, there is significant public interest in restoring salmon and steelhead habitat and various state and local government agencies as well as nonprofit organizations would be quite interested in cooperating with CalTrans on all aspects of these projects in order to make more of these projects success stories. Millions of dollars of resource bond funds have been spent trying to recover these species, and to my mind, it is essential that those who administer the resource bond expenditures and those who administer the transportation bond expenditures have a very high degree of collaboration and cooperation.

In short, I am asking your help in improving and formalizing CalTrans' work in this area in which there is significant overlap between transportation projects and critically important resource protections. I would be happy to discuss this with you or your staff can always contact Bill Craven of my staff at 916-651-4116.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Steinberg". The signature is written in a cursive style with a large initial "D".

**DARRELL STEINBERG
Senate Natural Resources and Water Committee**

**cc: Mr. Richard Harmon
Ms. Victoria Alvarez:**