



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

MAINTAINING ESSENTIAL WATER INFRASTRUCTURE: AB 2488 (Dababneh)

Facilitating fish protections during critical system maintenance and repair

AB 2488 will allow The Metropolitan Water District of Southern California (Metropolitan) to perform important maintenance and repairs on its Foothill Feeder, an essential water supply line for Southern California, by authorizing the Department of Fish and Wildlife (DFW) to issue an incidental take permit to Metropolitan for potential take of the unarmored threespine stickleback, a California fully protected species.

Reliable Drinking Water Depends on System Maintenance

Roughly 30 percent of Southern California's water supply comes from Northern California through the State Water Project. Metropolitan's Foothill Feeder is one of the primary conveyance pipelines to deliver State Water Project supplies to the region. Approximately every five years, Metropolitan must shut down and drain (dewater) the Foothill Feeder pipeline to inspect the pipe, repair any damage, or reinforce the structure. Several of the drainage areas along this route, including the Santa Clara River and its tributaries, may contain populations of unarmored threespine stickleback, a two- to-three-inch long fish that is listed as endangered under federal and state Endangered Species Acts. This fish is also designated as a California fully protected species.



Under certain circumstances, dewatering the Foothill Feeder could strand fish on stream banks. To avoid stranding the fish in the past, Metropolitan has worked with the federal and state fish and wildlife agencies to implement measures including modifying the timing and volume of dewatering and deploying federal- and state-licensed fishery biologists prepared to move stranded stickleback back into the stream if necessary.

California Supreme Court Ruling

A recent California Supreme Court decision held that relocating a fully protected species back into a stream to mitigate or avoid a project's impact constitutes incidental take of that species. With limited exceptions, DFW may not issue an incidental take permit for a fully protected species.¹ While avoidance remains the goal, left unaddressed, this prohibition on live relocation of fish to avoid a taking could prevent inspection, maintenance and repairs to Metropolitan's Foothill Feeder, to ensure the public's health and safety and safeguard essential water supplies.



Unarmored Threespine Stickleback

Assembly Bill 2488

AB 2488 by Assembly Member Dababneh (D-Encino) will allow DFW to permit incidental take of the unarmored threespine stickleback for periodic short-term dewatering of the Foothill Feeder, consistent with other state legislation that has permitted incidental take of fully protected species for critical public infrastructure projects.² This bill will allow for rescue and relocation of the fish out of harm's way and other measures to minimize and mitigate incidental take, and to contribute to the conservation of this sensitive species while ensuring reliability of the Foothill Feeder's critical water supply to Southern California.

¹ AB 353 (*Lackey, Palmdale*), for example, allows DFW to issue a permit to the Los Angeles County Department of Public Works, the Los Angeles Department of Water and Power and United States Department of Agriculture for a project that will restore Bouquet Creek channel capacity to avoid roadway flooding. AB 1973 (*Olsen, Modesto*) authorizes DFW to issue a permit to Caltrans for road repairs that may cause incidental take of a fully protected salamander.

² See Footnote 1

About Metropolitan

The Metropolitan Water District of Southern California is a state-established cooperative of 26 member agencies – cities and public water agencies – that serve nearly 19 million people in six counties. Metropolitan imports water from the Colorado River and Northern California to supplement local supplies and helps its members develop increased water conservation, recycling, storage and other resource-management programs.

Mission Statement

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

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