

## **USBR Public Comment**

Discovery Bay October 27, 2009

Good Evening.

I am Linda Bendsen, Vice President – North of Recreational Boaters of California (RBOC). I am also an avid, experienced recreational boater. My husband and I have logged almost 4,000 miles on the engine of our trawler. Much of this has been in the Delta. RBOC represents 50,000 boating families in California; 24,000 of these are in The Bay and Delta.

RBOC welcomes this opportunity to give comment on the 2-Gates Fish Protection Demonstration Project.

This project would have tremendous impact on boating. RBOC is very concerned about recreational boaters access to navigable waterways. The community of Discovery Bay will be greatly impacted as would anyone docking their boats south of the gates or transiting the waterways obstructed by the gates.

Actually the term “gate” is a misnomer as when closed these structures are actually dams as the waterways will be completely blocked for extended periods of time. These are in fact fixed-crest/low head dams which are particularly dangerous to boats. These types of dams cause hydraulic or churning re-circulating currents below the structure which can actually hold or draw even a motorized boat into danger. Re-circulating currents contain air bubbles that can make propellers useless and escape nearly impossible. This is especially dangerous to kayaks, canoes, dinghies and other such craft. Also floating debris and shags are common hazards to boaters around such dams.

These dams would be operated with electricity and great care must be observed at all times to avoid electrolysis in the water and electrocutions of any person who is in contact with the water.

When the dam is closed what would be the depth of the water on its South side? Would this depth become more shallow with the passage of time as the gates are closed on flood tide?

Another safety issue is – When the dam is opened, what will the velocity of the water be? Will the boats that are awaiting passage on the North side of the dam be swept with force through the opening into the boats that are waiting on the South side?

It is clear to RBOC that the only way to ensure safe passage of boats through these dams is the installation of boat locks to accommodate boats that navigate the waterway. Such a boat lock should be manned, operate 24/7 and be at no cost to boaters.

RBOC has a number of other concerns:

The report mentions a number of precautions for boaters safety during construction. This is of paramount importance. Will there be an educational program to inform boaters as to how to safely transit the construction site?

Has an actual account of the number and size of boats that transit the Old River and Connections Slough locations during expected operation been conducted?

Will the intermediate openings of 15 -20 minutes be coordinated with the bridge openings on Connection Slough and Bacon Island ?

A gate opening of 15 – 20 minutes is really not very long. How many boats can pass through during this period of time? If there are more boats waiting than pass in 15 – 20 minutes will the gates be open longer to allow them to pass or will these boat have to wait? It is difficult for a boat to wait in the water for an opening. Water is constantly moving and may be rough; wind might make waiting perilous. When boats wait for a bridge opening the often have to circle to maintain a wait position close to the bridge. When a number of boats are circling, especially with rough water or windy conditions, this is dangerous. If the dam on Old River is closed during March and June for 2 periods of 5 hours each, that means there might be only 1 opening during that time.

Removal of floating debris and weeds are mentioned in the report. This is of great concern to boaters as is submerged debris and weeds. These can cause significant damage to boats to the point where a boat starts taking

on water and might sink or the propeller becomes jammed and the boat stops.

In regard to the boat ramp:

Has an estimate been made as to how many boats will need to be moved by trailer at an estimated 15 minutes per boat? This seems like a short time frame. It might be 15 minutes if everything works out – the boat fits the trailer, the wind is not blowing, the water is calm. Seldom are conditions optimal.

How will liability be handled for damage to boats while being portaged around the dam?

Can the trailers adjust easily to the variety of boats that will be portaged?

At the end of the 5 year period

Will the channel bottom and sides be restored for navigation?

RBOC has a paramount concern for safety. Many safety measures are mentioned in the report. Every possible precaution must be taken to ensure the safety of boaters when the gates are open as well as when closed and operating as a dam.

RBOC is pleased to have met with proponents of the project: BDCP, USBR and Metropolitan Water District. We are eager to continue these meetings to ensure that boaters' safety and rights of accessibility are protected.

RBOC advocates that the Rivers and Harbors Act of 1899 (as referred to in the report on page 216) is applicable to the 2-Gates project and that Old River and Connection Slough are in fact being obstructed for navigation.

RBOC's position is quite clear: Recreational boaters have a long established right of vessel passage under the public use doctrine to transit waterways unimpeded by gates or barriers. This should be fully honored and mitigated by incorporating an operable boat lock into the design of these barriers. This boat lock should be manned, operate 24/7 and be at no cost to boaters.

You have a copy of RBOC's Call-to-Arms regarding revising the 2-Gate Project to assure reliable recreational boating access. Please join with us, sign the letter and include your address, return the letter to Walt, Vern or me. This call-to-arms is available on our web site ([rboc.org](http://rboc.org)). Please copy it and have everyone you know who is concerned about this project sign it and send it to the Desmonds office in Sacramento (their address and fax number is on the web site) or fax it to USBR with a copy to the Desmonds. This should be done before the Nov. 17 deadline for written comment. This has proven to be a very effective technique in bringing about change.

RBOC has given verbal and written comment to the various agencies involved and will be submitting written comment specific to the report to USBR.

RBOC welcomes and encourages comments from boaters. Please direct these comments to me, David Breninger (President of RBOC) or our legislative advocates (the law firm of Desmond and Desmond). We can be emailed (as can any RBOC director) from our web site ([rboc.org](http://rboc.org)).

Thank you for your attention.