

California Sportfishing Protection Alliance
Conserving California's Fisheries, Water Quality & Habitat
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(1) CSPA - NCCFFF - CSBA Intervene In Striped Bass Litigation

(2) West Coast Congressional Democrats
Blast NMFS over Salmon Losses

CSPA - NCCFFF - CSBA Intervene In Striped Bass Litigation

CSPA and its close allies the Northern Calif. Council of the Federation of Fly Fishers and the California Striped Bass Association have jointly intervened into the law suit filed by the "Coalition for a Sustainable Delta" that is aimed at destroying the public's striped bass fishery that historically generated some \$50 million annually to our state and local economies. The Coalition is composed of "Water Districts" that front some Central Valley agricultural interests who hold water contracts from the Federal Central Valley Water Project.

While their litigation won't do anything to make the Delta more sustainable, it would compel the State to abort the management of the estuary's striped bass and all sport fishing regulations that would protect the fishery from excessive harvest. Even though the estuary's once premier sport fishery is a shadow of its former greatness and has fallen on hard times, along with all of the other fisheries that depend on the Delta, Corporate Agriculture feels the need to destroy this very valuable public resource so they can continue to drink at the public's water trough and maximize their profits.

If they prevail, striped bass will become a non-sport fishery that would not be protected from excessive harvest. It could quite possibly be exterminated because it would not be protected under State sport fishing laws and there would be no harvest limit and no regulation on the methods allowed to harvest them. Even though the fishery is alleged by the coalition to be vicious non-native predator of Delta smelt and salmon listed under the Endangered Species Acts, the scientific evidence clearly demonstrates the opposite is true.

According to a leading expert on the state's native fish species, "All the studies that have been done on striped bass feeding habits show that they virtually never take Delta smelt," said Peter Moyle, a University of California, Davis, professor as quoted by the Stockton Record, on February 16, 2008.

Further, the coalition alleges that striped bass predation of ESA listed species impacts their ability to receive water from the Delta. However, we know that the Delta export

pumps are the most significant villains and that's why the federal court recently ruled that water export must be substantially cut back during the spawning and rearing season to protect the smelt. In fact, these folks are among the real perpetrators of smelt and salmon declines!

The filing of the litigation appeared to be an attempt at legal retribution for the recent court victories over turning politically corrupted Biological Opinions crafted the National Marine Fishery Service and in the case of the U.S Fish and Wildlife Service, the Department of the Interior's politically appointed leadership. While some point to the federal Council on Environmental Quality and the leverage that may have been applied by the Bush administration, the bottom line is that these federal agencies with fiduciary trust responsibilities politically amended the biological science so that more Delta water could be exported and the federal court found them guilty.

So, who is the interest behind this litigation anyway? The growers who filed the litigation have the luxury of using their water districts to file the litigation [Bellridge Water Storage District, Berrenda Mesa Water District, Lost Hills Water District, and Wheeler Ridge - Maricopa Water Storage District]. It appears many of them live in the Southern Central Valley where much of the desert has turned green due to nonnative crops grown by nonnative people who are very fond of perpetuating nonnative myths to protect their nonnative capitol at the expense of the public's fishery resources.

Below you'll find our Press Release on the subject of our legal action, but it doesn't cover one very important element. This litigation will cost a lot of money and we need real help in raising funds for this cause. If you believe that we shouldn't let the Coalition get away with trying to destroy this fishery and our right to enjoy it, please go to our new website at <http://www.calsport.org/> and donate!

You should keep in mind that this is fight is not just about striped bass! Should the Coalition prevail, then consider that many of the other fish that swim in the Delta are non-native predators (something that all fish have in common) that will become candidates for extinction such as largemouth bass, panfish, and American shad to name a few. Who was it who said you're either part of the problem or part of the solution? That's a pretty broad generalization, but in this case it's meaningful!

Press Release
California Sportfishing Protection Alliance
California Striped Bass Association
Northern California Council – Federation of Fly Fishers (NCCFFF)
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Groups Intervene in Striped Bass Lawsuit

(Stockton, CA) The California Sportfishing Protection Alliance (CSPA), California Striped Bass Association (CSBA) and the Northern California Council of the Federation of Fly Fishers (NCCFFF) today intervened in the lawsuit filed by the Coalition for a Sustainable Delta et al against the California Department of Fish and Game and Fish and Game Commission (hereinafter DFG). The Coalition is largely comprised of Kern County water agencies. That 29 January 2008 lawsuit accuses the DFG of threatening the existence of endangered salmon and Delta smelt through DFG's striped bass management program. It alleges that striped bass prey on salmon, steelhead and Delta smelt and that predation has illegally contributed to the catastrophic crash of pelagic and salmonid species populations over the last five years. It also alleges fishing regulations established by the Fish and Game Commission results in the take of listed species by striped bass.

The CSPA, CSBA and NCCFFF intervention disputes the Coalition's spurious claims and notes that striped bass populations have plunged to historically low levels over the same period. Resource agency scientific staff maintains that the principal causes of fishery collapse in the Delta are attributed to significantly increased and unsustainable levels water exports, discharges of agricultural, industrial and municipal pollutants and recently introduced species that have changed the composition of the aquatic food web.

"The Coalition's lawsuit is simply an outrageous and transparent effort to divert attention from the real cause of the Delta's decline and blame the victims, instead of the perpetrators," said CSPA Executive Director Bill Jennings. "Striped bass have coexisted with salmon and smelt in the Delta estuary for more than a hundred years. The dramatic almost 30% increase in the amount of water exported in recent years is the one clear culprit that has led to population crashes of numerous species; including salmon, steelhead, striped bass, Delta smelt, longfin smelt, splittail, threadfin shad, among others" he said.

At certain times, as much as 65% of Delta inflow is exported to Central Valley agriculture and to southern California via powerful pumps at the state and federal project facilities. These massive pumps cause reverse flows, kill huge numbers of fish and suck up much of the aquatic food supply. Water agencies have refused to pay for state-of-the-art fish screens that were required in the 2000 CalFed Record of Decision as mitigation for exporting water. Some of the largest annual export levels in history occurred in 2003 (6.3 million acre feet [MAF]), 2004 (6.1 MAF), 2005 (6.5 MAF) and 2006 (6.3 MAF). Exports averaged 4.6 MAF annually between 1990 and 1999 and increased to an average of 6 MAF between 2000 and 2007, a rise of almost 30%. Much of the increased pumping occurred during critical periods for Delta smelt survival.

"Striped bass are a marvelous sport fish and was considered the premier sport fishery of the Bay/Delta estuary prior to its catastrophic decline from 3.5 million adult fish down to 750,000 today. Studies of population abundance do not demonstrate that striped bass pose a population level threat to salmon or Delta smelt. Indeed, they show that striped bass, salmon and smelt populations rise and fall in tandem to common threats," said Cliff Rich, State Board President of the CSBA. "Much of the predation that does occur can be attributed to man made causes due to the way the Department of Water Resources configured the state project export facilities which created a concentrated predation area in Clifton Court Forebay. That problem could be significantly remedied if the water agencies, including Coalition members, complied with requirements to install new screening facilities," he observed.

The sport fishing industry in California is a major economic asset for the state, amounting to over 5 billion dollars each year. The Bay/Delta sports fishery has been estimated to be worth at least 1.5 billion dollars per year. By contrast, the members of the Coalition that have sued DFG and the Commission are farmers and industrial-agricultural corporations receiving heavily subsidized water, and in some cases, heavily subsidized drainage services for heavily subsidized non-native and non-food crops that add little to the nation's food supply in relation to the detriment to the environment and economy of the Bay/Delta estuary.

"It is absurd to suggest that we eliminate a highly valued sports fishery that has coexisted with other fish in the Delta for more than 100 years. We recognize that California has multiple water needs, and we recommend that the state follow its own California Water Plan Up-Date, and seriously follow its recommendations on conservation, reclamation, ground water banking and other strategies," said Dr. Mark Rockwell of the Northern California Council, Federation of Fly Fishers. Additionally, Dr. Rockwell said, "nearly 2 million acre feet of additional water could be available if drainage impaired lands in the west San Joaquin valley were retired. This act alone would reduce toxins filtering into the Delta, and reduce the need to divert this water from the system. The fisheries and other wildlife in the Delta cannot tolerate the high rates of water diversions now in effect."

The South Delta Water Agency and Central Delta Water Agency have also filed for intervention in the lawsuit refuting the Coalition's allegations. Their intervention and our intervention will be considered by Judge Oliver Wanger in Fresno on 14, 2008.

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West Coast Congressional Democrats Blast NMFS Over Salmon Losses

During a House of Representative's Hearing on May 15th, West Coast Democrats participated took testimony on the collapse of Central Valley salmon stocks and berated the federal fishery agency that is charged with their protection. The National Marine Fishery Service (NMFS), an agency of the Department of Commerce, took it squarely on the chin for over ruling their biologists and rewriting Biological Opinions required by the Endangered Species Act that played a key role in letting the collapse happen. It seems the agency edited the opinion to permit significant increases in the amount of water that could be exported from the Delta. This, in turn, caused more Delta smelt and salmon smolts to be impacted by the water diversion with greater associated losses. Dick Pool with Water4Fish and Roger Thomas with the Golden Gate Fishermen's Assoc., attended to represent California fishing interest and they did a great job!

You might be surprised to know that the head of this Region of the NMFS, Rod McInnis, actually blamed the Central Valley fall-run salmon collapse on ocean conditions. He is quoted as saying by the McClatchy Newspapers that his scientists believe the cause is related to poor ocean conditions for the fish. This stands in sharp contract to the statement by the Pacific Fishery Management Council found in their April 10, 2008 News Release wherein they discuss the potential causes for the catastrophic salmon decline and note:

"[It] is clear that over fishing did not cause the depressed condition, as the parent spawning populations were all above the goal (or escapement number set to renew the fishery annually). The National Marine Fisheries Service has suggested ocean temperature changes, and a resulting lack of upwelling, as a possible cause of the sudden decline. Many biologists believe a combination of human-caused and natural factors will ultimately explain the collapse, including both marine conditions and freshwater factors such as in-stream water withdrawals, habitat alterations, dam

operations, construction, pollution, and changes in hatchery operations.”

Dr. Peter Moyle, with UC Davis, and one of the foremost experts on the state’s fishery resources had this to say on the topic:

“Thus blaming “ocean conditions” for salmon declines is a lot like blaming the iceberg for sinking the Titanic, while ignoring the many human errors that put the ship on course for the fatal collision. Managers have optimistically thought that salmon populations were unsinkable, needing only occasional course corrections such as hatcheries or removal of small dams, to continue to go forward. The listings as endangered species of the winter and spring runs of Central Valley Chinook were warnings of approaching disaster on an even larger scale. “Ocean conditions” may be the potential icebergs for salmon populations but the ship is being steered by us humans. Salmon populations can be managed to avoid an irreversible crash, but continuing on our present course could result in loss of a valuable and iconic fishery.” (From: Comment by Peter B. Moyle, Professor of Fish Biology, and University of California Davis -from Google News)

The Council has requested a multi-agency task force led by the National Marine Fisheries Service s West Coast Science Centers to research about 50 potential causative factors and report back to the Council at the September meeting in Boise, Idaho. So, the fundamental question is “Why is Rod Mclinnis (a top notch NMFS Regional Administrator) giving cover to the other impacts that have caused such drastic declines in the Central Valley salmon populations?”

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