

Striped Bass Lawsuit Takes the Delta Fight Beyond Export Pumps

By Dan Keppen
Executive Director
Family Farm Alliance

The Coalition for a Sustainable Delta (“Coalition”) filed a lawsuit in federal district court January 29 against the California Department of Fish and Game (CDFG) for violating the federal Endangered Species Act (ESA). Lawsuits related to Bay-Delta water management issues are nothing new- just like lawsuits on the Klamath River have become common practice. But this particular lawsuit – and the reaction it has generated from environmental activists and their cheerleaders in the media – is interesting, because it underscores the hypocrisy and tunnel vision that some apply to complex ecosystem challenges.

California state sport fishing regulations currently protect the non-native striped bass, a known predator of several native endangered and threatened species, including the Delta smelt. The Coalition took legal action to correct perceived violations by state fish and game regulators that are harming the Sacramento-San Joaquin Bay Delta.

“Fostering the destruction of thousands of native threatened and endangered species is a clear violation of the ESA and must be stopped,” said Michael Boccadoro, spokesperson for the Coalition.

By now, you’ve likely heard about the Delta smelt. A federal judge last August ordered a dramatic curtailment of pumping water to the San Joaquin Valley and Southern California – an unprecedented decision aimed at protecting this tiny fish in the Bay-Delta, but one that could generate widespread economic and political repercussions from Redding to San Diego.

The California Department of Water Resources (DWR) recently completed its analysis of water supply impacts from a recent federal court decision on Delta pumping. According to DWR, if 2008 is an average water year, Delta supplies will be reduced by 22% to 30%. The first action under the ruling was triggered on December 28 when Delta pumping levels were cut in half. The 10-day pump slowdown resulted in the loss of over 50,000 acre-feet of water, or roughly the amount used by 400,000 residents in a year.

The water user groups represented by the Coalition are not going to let this slide by easily.

According to the Coalition, the non-native striped bass is widely recognized as a voracious predator that feasts on the Delta smelt. The striped bass was introduced into the Delta region in the late 19th Century. In the early 1980’s the sports fishing industry successfully lobbied the State of California to enact legislation that created a striped bass fishing stamp. CDFG used the money raised by the stamp to support the striped bass population in the Delta. The hatchery program run by the state added more than 5.5 million striped bass to the Delta over the life of the restocking program. Unfortunately, according to CDFG’s own estimates, each year up to six percent of the population of Delta smelt are consumed by the burgeoning striped bass population.

What ties this particular issue to the situation on the Klamath is a trend that is now becoming commonplace on Western river systems. Activist organizations are extremely crafty and effective at downplaying the complexity of stressors that impact aquatic species. Instead, they tend to focus on one simple factor – in this case – the export pumps that pull water out of the Bay-Delta to supply millions of acres of the world’s most productive farmland and 20 million southern Californians – and pin that factor with the sole blame for endangering fish.

You’ve seen a similar approach employed on the Klamath River during and after the coho salmon listing in the late 1990s. NOAA Fisheries cited the reasons to list coho salmon, excluding Klamath Project operations as a significant factor affecting the species. However, shortly following the listing, and with no supporting data, NOAA Fisheries chose to center its attention on the Klamath Project as the principal factor affecting coho salmon. In its biological opinions, NOAA Fisheries opined that much higher than historic flow levels, released from the stored water of the Klamath Project, would be needed to protect coho salmon.

The same strategy has been employed for over 15 years by environmental activists intent on eliminating so-called “corporate” farming in the San Joaquin Valley. Very rarely do you read about other stressors impacting aquatic species in the Bay-Delta, like toxic urban runoff, municipal wastewater and industrial discharges, in-Delta municipal diversions, major power plant diversions and discharges, and yes – voracious invasive species, like striped bass.

But now, the water users are fighting back. If a judge can be swayed by activist attorneys to cut back water to farmers and urban southern Californians so that delta smelt are not “jeopardized”, why can’t the same approach be used to halt a program promoting a non-native fish that devours imperiled smelt?

The activists and their allies in the urban media have no problem with pinning all the ailments of a complex river system on the backs of Western irrigators. But when irrigators try the same tact, they are lambasted.

The San Francisco Chronicle, in a February 1 editorial, pointed to Boccadoro’s assertion that the bass consume between 3 and 6 percent of these fish.

“These numbers are not insignificant, but nor can they hold a candle to the damage that water pumping and diversions have done to these fish,” the Chronicle claimed. “Let’s hope the smelt and the salmon will have such defenders (as the Coalition) from the public.”

I personally hope the family farmers of the San Joaquin Valley will score some points through the Coalition’s actions and turn such hypocrisy on its head.