

Settlements seek to protect delta fish, water flow

Lien Hoang, Associated Press, 2-25-11

SACRAMENTO -- Two federal court settlements revealed publicly on Thursday could help determine the fate of a threatened fish in the heart of California's water-delivery system, and with it the volume of water pumped to some of the nation's richest agricultural land.

In a case settled Thursday, the U.S. Fish and Wildlife Service agreed to rewrite parts of its plan to protect the delta smelt and manage water flows in the Sacramento-San Joaquin Delta.

In the other case, the state Department of Fish and Game will likely agree to increase the number and size of striped bass eligible to be caught. Farmers claim the predatory fish, a non-native species, is responsible for the smelt's decline, not the massive water pumps that send water south but also capture and kill fish.

Both cases are under the jurisdiction of U.S. District Judge Oliver Wanger, who is scheduled to consider the striped bass agreement March 17.

In that proposed settlement, state fish and game officials negotiated with the Coalition for a Sustainable Delta, a group representing San Joaquin Valley farming interests that sued to expand fishing of the bass.

With Wanger's approval, the agreement will lead to revised fishing restrictions based on recommendations from the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service and the Department of Fish and Game.

"We think it's actually a very science-based settlement," coalition spokesman Michael Boccadoro said.

He said it was ridiculous that another group, the California Sportfishing Protection Alliance, said there was no proof that fewer bass would lead to more smelt, a finger-sized forage fish that is listed as threatened under the federal Endangered Species Act.

"We understand that the coalition doesn't have the evidence to win the case," said Mike Jackson, an attorney representing the alliance, which intervened in the lawsuit and said it will file a motion against the settlement.

Sport fishing groups, primarily interested in restoring salmon runs to the Sacramento River watershed, say the pumps are the main threat to fish in the delta and argue for reduced pumping. Farming interests dispute that and point the finger at other factors, including invasive species and environmental pollution.

The pumps and the delta smelt also are at the heart of the case against the U.S. Fish and Wildlife Service.

Wanger did not dispute that the massive pumps used to deliver water to farms in the San Joaquin Valley and Southern California cities have harmed the smelt.

But he said the service's 2008 plan to protect the fish needed revisions to better determine the pumping restrictions' economic effects on farmers and other businesses that rely on water deliveries. His opinion came as a result of six cases filed separately by agricultural, environmental and urban water interests.

The plan will remain in place through June 30, after which the various groups will work together to rewrite the so-called biological opinion.