

Scientists' report only intensifies delta debate

The panel's finding that federal protections of smelt and salmon are scientifically justified, but that factors other than pumping could also contribute to their decline, fuels both sides.

Bettina Boxall, Los Angeles Times, 3-20-10

Any hope that a panel of scientists would end the brawl over environmental restrictions in the hub of California's water system evaporated as warring factions each found ammunition in a report released Friday.

Charged with evaluating the basis of federal fish protections that are limiting the pumping of water supplies from the Sacramento-San Joaquin River Delta, the National Academy of Sciences committee concluded the protections were on the whole scientifically justified.

"In no case did we say these did not have a scientific underpinning," said committee chairman Robert Huggett, professor emeritus at the Virginia Institute of Marine Sciences at the College of William and Mary.

But the 64-page report also calls for more study, questions whether there is enough data to support specific levels of the pumping curbs and said other problems in the delta ecosystem could have a "potentially large" effect on the imperiled delta smelt and declining stocks of migrating salmon.

The evaluation by a committee of 15 experts from around the country underscored that there are no easy or quick fixes in the delta, which is used as a conduit for shipping water to the San Joaquin Valley, the state's agricultural heartland; and Southern California, its most populous region.

"It's going to take a while to see any kind of change in this system," Huggett said. Smelt numbers are so low, he added, that it's tough to figure out if their population is shrinking or expanding. "They could be increasing now and you might not be able to see it."

The academy review was requested by the U.S. departments of Interior and Commerce and Sen. Dianne Feinstein (D-Calif.). Earlier this year she threatened to introduce legislation to weaken the pumping limits, which have compounded water shortages caused by the state's three-year drought.

In a statement, Feinstein said she welcomed the panel's findings and urged federal agencies to implement the restrictions "with additional flexibility."

Rep. Mike Thompson (D-St. Helena), who represents coastal areas hurt by the state's collapsing commercial salmon fishery, said the review "confirms that the scientific basis for what's been taking place is solid. That's good news for the concerns of folks that live in my area."

Rep. Devin Nunes (R-Tulare), one of the most vehement critics of the fish protections, dismissed the panel's work. "I could care less about the report. I think it was just a gimmick to postpone Congress having to do something to fix the problem."

Nunes said he will continue to pursue his proposed fix: legislation that would waive the pumping limits, which are imposed under the Endangered Species Act.

Tom Birmingham, another high-profile critic of the pumping restraints, said he was "thrilled" with the report's conclusions.

"Anybody can take this document and find things in it that they would like," said Birmingham, general manager of the Westlands Water District, a giant Central Valley irrigation agency that has been hard hit by cuts in delta deliveries.

"But when you get down into the detail, it's pretty clear that the scientists who are on this panel think that an awful lot of additional work and analysis needs to be done before we can determine whether or not the specific actions are scientifically justified."

He added that he hoped federal agencies would immediately reexamine the smelt and salmon rules.

Birmingham and other water managers have argued that the environmental protections focus too much on the pumps' effect on delta flows and not enough on other conditions, such as pollutants and invasive species, that could be harming fish populations.

"Nobody has ever said that flow is everything. But flow is central," said Cynthia Koehler, senior attorney with the Environmental Defense Fund.

The panel's finding, she said, confirmed the science "underlying the connection between the harm caused by the pumps and the decline of the species."