

“Fish Rescue May Mean Drier Times”

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By Matt Weiser

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The Bay Area and Southern California could be in for deeper water shortages this year after state officials on Thursday decided to protect another Delta fish.

The California Fish and Game Commission, meeting in San Diego, voted unanimously to protect the longfin smelt under the state Endangered Species Act.

The finger-length fish is now officially a candidate for stronger protection. State officials will spend the coming year deciding whether its status should be "threatened" or "endangered."

Meanwhile, to protect the longfin, the commission also set new rules for state and federal agencies that export water from the Sacramento-San Joaquin Delta to 25 million Californians and 2 million acres of farmland.

This could mean drier times ahead for parts of the state already dealing with shortages because of the Delta's troubles.

"It's fair to say this is just another notch in the chokehold that is tightening our ability to move water," said Laura King-Moon of the State Water Contractors, which represents most of the agencies that buy Delta water from the state.

The longfin smelt is one of nine Delta fish species to suffer steep declines over the past five years. Last year, the longfin population was the lowest in 40 years of record-keeping.

State and federal water pumps in the Delta are blamed for killing millions of fish, but other culprits include poor water quality and invasive species.

Government officials are working on plans to protect the Delta. But those will take years and billions of dollars. Hardships are coming in the meantime.

Commission President Richard Rogers said he felt forced into a decision he called "repugnant."

"The piper is standing at the door with an ax," he said. "This is something we have to solve and we have to solve now."

State action to protect the longfin came after a petition by environmentalists. A similar petition is pending under federal law.

"There is absolutely no doubt the species merited listing and is in desperate need of protection, along with its habitat," said Tina Swanson, a scientist at the Bay Institute, one of the petitioners.

Rules adopted Thursday closely match limits imposed by a federal judge in December to protect the Delta smelt, a cousin of the longfin.

Court restrictions slashed water deliveries by 42 percent in January, shorting water agencies about 269,000 acre-feet, said Terry Erlewine, general manager of the State Water Contractors. That's enough for about a half-million homes.

But the longfin has a different life cycle, generally breeding earlier in the year. So the Department of Fish and Game called for pumping limits that could begin earlier in the fall and possibly extend deeper into spring.

The commission adopted those limits, voting 3-0, with two members absent.

The new rules take effect later this month and will be in place through August. The commission then expects to extend them another six months.

By then, state and federal officials intend to adopt new operating rules for water pumps that come with permanent protections for Delta fish.

There is some doubt about whether Thursday's actions must be heeded by the U.S. Bureau of Reclamation, which operates the Delta's federal pumping system. So the commission will ask the state Water Resources Control Board to also adopt the rules, which would then be binding on the bureau.

Jeff McCracken, a spokesman for the bureau, did not comment on how his agency will respond, saying officials had not yet reviewed the new rules.

Water agency representatives at Thursday's meeting warned the state's new rules would only lead to protracted litigation.

They complained of being singled out, while other Delta threats are ignored.

They urged the commission to force agricultural water diverters within the Delta to screen intakes, for instance, and end protection of the striped bass, a nonnative species blamed for preying on protected fish.

Water users favored having the federal court's Delta smelt limits cover the longfin as well, since the species are similar.

"If you have an umbrella that keeps you dry, you don't need two umbrellas," said Jerry Johns, deputy director of the state Department of Water Resources.

The commission instead agreed with state biologists that the longfin's unique breeding cycle demands special rules. Commission members also ordered a staff report on possible steps to control other threats.

"We're really concerned about the health of the ecosystem, not just the health of this fish," said commissioner Michael Sutton.

