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Science panel says Delta pumping restrictions are justified in California

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A high-level science panel Friday concluded that federal rules that limit water diversions from the Delta to protect endangered fish are "scientifically justified," dealing a blow to south state water interests that had hoped the review would punch holes in the rules.

The panel of 15 experts was appointed by the National Research Council, an arm of the National Academy of Sciences, in response to a formal request from Sen. Dianne Feinstein, D-Calif., and the Interior Department. They made their request at the urging of water users – particularly San Joaquin Valley farmers – who say the federal restrictions on pumping in the Delta are ruining them financially.

Called biological opinions, the federal rules regulate how much water is diverted south from the Sacramento-San Joaquin Delta, depending on the needs of salmon, steelhead, sturgeon and Delta smelt. State and federal water pumps in the Delta suck fish to their deaths and alter their habitat. The regulations aim to limit those effects by reducing pumping at certain times of year, depending on where the fish are.

The pumping restrictions came under scrutiny last year, because they aggravated drought-related water shortages experienced by farms and cities south of the Delta.

Farmers and water districts questioned the science underlying the pumping restrictions, arguing that the fish face other problems in the Delta and noting their populations have not rebounded despite the restrictions.

But in its report Friday, the panel called the pumping reductions "scientifically reasonable" to protect fish. And its chairman, oceanographer Robert Huggett of Virginia, said it is unrealistic to expect measurable improvements for fish after only one full year under the newest federal rules.

"With the limited number of smelt you now have in the system, the ability to see a significant increase or decrease is very limited," said Huggett.

But the report also found flaws in the regulations, including a need for more data and analysis. Overall, the panel's conclusions were nuanced, allowing advocates to read into it, Rorschach-like, their own priorities.

"The report clearly validates the biological opinions," said Ann Hayden, senior water resource analyst at the Environmental Defense Fund. "It's time to stop pitting the economic interests of farmers against fishermen and move forward to find solutions."

Farmers, on the other hand, emphasized the enduring uncertainties, as well as the report's observation that other problems besides water diversions have a "potentially large" effect on fish. These include water pollution and invasive species.

"Much more analysis is needed on the other stressors, their impact on endangered species and the relative significance of the pumps," said Tom Birmingham, general manager of Westlands Water District.

One of the panel's duties was to consider short-term actions to help fish that would also allow water deliveries to increase this year. Feinstein had hoped for quick relief for drought-plagued communities that depend on Delta diversions.

But the panel had no short-term fixes to offer.

That came as a blow to some in the farming business.

"Quite honestly, I was somewhat disappointed in that – and surprised," said Bill Phillimore, executive vice president of Paramount Farms. The Kern County enterprise is owned by billionaire Stewart Resnick, who lobbied Feinstein for the science review.

The 69-page study cost \$750,000 and was completed in two months.

The panel now begins part two of its study, which will take about 20 months and cost another \$750,000. It will examine the other stressors in more detail, including upstream dams, and look again at any alternatives to pumping restrictions.

The first report, however, did not quiet the clamor to amend the rules.

Lester Snow, California's Natural Resources secretary, said in a statement that the report "points to the need for further work ... and potential modification of the federal biological opinions."

And Feinstein, who secured federal funding for the study, said the Obama administration should "implement the biological opinions with additional flexibility wherever possible," meaning she wants more water delivered from the Delta.

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