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**Fisheries Service Issues New Rulebook to Protect Imperiled California Salmon**

Fishermen, tribes, and conservationists hail decision to protect fish, jobs, and local communities

**(Sacramento, CA)** – Current operations of state and federal water projects in California’s Central Valley jeopardize endangered California Chinook salmon and steelhead populations, according to a biological opinion filed today by the National Marine Fisheries Service. Today’s announcement also finds that current water operations jeopardize killer whales, which rely on Sacramento River salmon as a major food source.

[The opinion](#) establishes a new set of rules under which the state and federal water projects must be operated to protect California’s imperiled salmon. Key measures in the new biological opinion include:

- Requiring more cold water held behind Shasta dam for release during salmon migration and spawning seasons
- Reducing the amount of time Red Bluff Diversion Dam gates are closed, blocking salmon migration
- Modifying operation of Delta Cross Channel Gates to reduce the number of juvenile salmon unnaturally pushed to their deaths by predation and the delta water pumps
- Requiring better flows and colder water to enhance salmon spawning and habitat in the American and Stanislaus rivers
- Reducing water pumping when juvenile salmon are migrating through the delta

The opinion follows an April 2008 court ruling which found that management of the State Water Project and federal Central Valley Project is driving three listed salmonid species – winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead – to extinction, in violation of federal law.

The court’s decisions came after the historic collapse of Central Valley salmon populations and the unprecedented closure of commercial salmon fisheries in California, now in its second year.

The fishing groups, tribal members, and conservationists say that reforming management of the state and federal water projects to better balance environmental and water supply needs is critical to protecting and restoring salmon and other endangered species. The new opinion is an important milestone in their long legal and legislative battle to restore California salmon and the communities who depend on them for their survival.

## Quotes from Salmon Advocates Party to the Case

Dave Bitts, president of the Pacific Coast Federation of Fishermen's Associations said, "This isn't about either fish or farms. It's about how we use our limited, vastly oversubscribed water resources wisely in order to have both. If you continue taking so much water that salmon go extinct in California, what wild creatures will be next? Do we sacrifice all of nature to commerce, or do we learn to conduct our commerce so that nature, and eventually humans too, can also survive?"

Dr. Jon Rosenfield, conservation biologist for The Bay Institute, noted, "This is a plan of action but not the action itself. While we are glad to have a new biological opinion, we are more interested in what actions will be taken to protect our salmon, steelhead, and sturgeon this summer and fall. As we speak, the U.S. Bureau of Reclamation plans to provide only minimal protection to winter-run Chinook salmon incubating in the upper Sacramento River; steelhead and the economically valuable fall run may be impacted as well. Despite the fact that there is much more water available this year than last, salmon eggs will not hatch successfully because of poor water quality conditions that follow from misguided water allocation decisions. Now that they have completed a new biological opinion, the National Marine Fisheries Service needs to aggressively enforce the Endangered Species Act to ensure recovery of the species under its stewardship."

"California is at a crossroads: we can continue business as usual and ignore the impacts of the drought on our crops, fisheries and water resources, or invest in better and readily available water solutions," said Kate Poole, lead attorney on the case for NRDC. "There is a virtual river of smart, alternative water sources that can provide more water each year than has ever been exported from the Delta – and it doesn't require dams. That's more water to drink, more water for our crops, and more water to restore California's salmon runs that provide thousands of jobs and millions of dollars for the state."

"The Bush-era plan for water operations in California was not based in science and it devastated coastal fishing communities throughout California as the salmon population plummeted. This biological opinion brings back some needed balance. Now fishing communities, native California salmon species, and water users will all operate on a level playing field," said George Torgun of Earthjustice who helped represent groups challenging the 2004 plan.

"Our vanishing salmon are yet another indicator that the once vibrant and resilient Bay-Delta is in crisis. Abundant salmon used to travel through the Bay-Delta ecosystem, but years of mismanagement have driven the fisheries to near collapse," said Sejal Choksi, Program Director for San Francisco Baykeeper. "The creation of new rules to manage the delta is the critical first step to protecting a key species in this important ecosystem."

Gary Mulcahy, of the Winnemem Wintu Tribe said, "Why is it that only a crisis that bodes the extinction of a species will move governments and courts to address an issue? Why is it that even in the eye of that crisis storm, the opposition will still be great, the greed and misuse of the water will still be there, and the fisheries will still suffer the brunt of that greed and misuse. I am not as optimistic as my fellow colleagues. Though this biological opinion may set out new rules and guidelines that seek to protect our water and fisheries, I truly expect the big agribusiness and Water Buffalos to use their power to find some way around it, and complete the extinction they so readily pursue in the name of progress, commerce, and economic growth."

“Federal and state agencies have failed to keep a lot of promises they made to restore Central Valley salmon,” said Steve Evans, Conservation Director of Friends of the River. “The new biological opinion will hopefully put an end to business as usual when it comes to the protection and recovery of salmon.”

## **Background**

The underlying case began in 2005 when a coalition of fishermen, conservation, and tribal groups challenged the federal government's biological opinion on the 2004 Operations Criteria and Plan (OCAP) for management of the SWP and CVP. The 2004 OCAP significantly increased water exports from the Sacramento-San Joaquin River Delta over historic levels and instituted other measures, such as relaxing cold water flow requirements and eliminating nearly half of the remaining salmon spawning habitat in the upper Sacramento River. These changes reversed protections credited with saving endangered winter-run Chinook salmon from extinction and have contributed to significant declines in protected salmon populations since 2004.

On April 16, 2008, Judge Wanger ruled that the biological opinion approving operation of the state and federal water projects violated the Endangered Species Act. The judge relied on the federal National Marine Fisheries Service's (NMFS) own finding that the current operations of the projects "...result in the loss of 42 percent of the juvenile winter-run Chinook population, and proposed project effects are expected to result in an additional 3 to 20 percent loss of the juvenile population."

NMFS also found that the plan to export more water from the Delta would kill up to 66 percent of Central Valley steelhead and 57 percent of juvenile spring-run Chinook salmon. The fisheries service acknowledged the increased water diversions and pumping would likely lead to the extinction of the spring-run in the Sacramento River and steelhead in the Central Valley. The court ruled the federal government's finding that the projects would not jeopardize listed salmonid species simply didn't square with the facts. In July 2008, Judge Wanger reaffirmed his earlier ruling and explicitly held that current water operations are jeopardizing the existence of the three species.

## **History**

Prior to construction of the state and federal water projects, Chinook (or king) salmon and steelhead were abundant in the Sacramento and San Joaquin river systems. Salmon were, and still are, of great cultural and spiritual importance to the Winnemem Wintu Tribe and remain a major economic contributor to California's fishing industry.

Many dams were constructed up and down the western slope of the Sierra Nevada on every major river flowing into the Sacramento and San Joaquin rivers, blocking the upstream migration of salmon and steelhead to and from their historic spawning grounds. Of the 6,000 miles of historic steelhead spawning grounds, today only 300 miles remain. Friant Dam on the San Joaquin River resulted in the extinction of the spring-run Chinook salmon in that river. Shasta and Keswick dams on the Sacramento River blocked the winter-run Chinook salmon from their historic spawning grounds, forcing them to spawn in a 40-mile stretch of less favorable habitat below those dams.

Every year the pumping of huge volumes of fresh water out of the Sacramento-San Joaquin River Delta sucks in and grinds up juvenile salmon and steelhead as they attempt to migrate downstream and though the delta on their way to the ocean. As a result, Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead populations have plummeted from historic abundance and all three species are protected under the federal Endangered Species Act.