



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

December 18, 2008

The Honorable Mike Chrisman
California Resources Agency
1416 9th Street
Sacramento, California, 95814

The Honorable Richard B. Rogers
California Fish and Game
Commission
1416 9th Street
Sacramento, California, 95814

The Honorable Donald Koch
California Department of Fish and Game
1416 9th Street
Sacramento, California, 95814

Dear Secretary Chrisman, Director Koch, and President Rogers:

This week's biological opinion on the Delta smelt is a bracing warning for Californians that we could actually lose both our treasured wild fisheries and the stable water supply upon which our economy depends – a potential catastrophe that can only be avoided if we decisively implement a comprehensive regulatory approach to the Delta. Regulatory actions must be taken to address all the points of stress on the Delta, including not just the State and federal water projects, but also ammonia discharges from wastewater treatment plants, the predation of native fish by striped bass and other non-native species, invasive species, lack of sufficient habitat, pyrethroids and other pesticides, other toxics and other problems. And we absolutely have to invest in the Statewide water infrastructure that we have neglected for decades, including strengthened water conveyance, surface and groundwater storage, and water recycling.

I urge you to take action regarding the stressors on Delta health that are your regulatory responsibilities. First, non-native species that prey on threatened and endangered native species in the Delta fall under the jurisdiction of the California Department of Fish and Game and the California Fish and Game Commission. I request that you provide me information on your plans to address non-native predatory and invasive species in the Delta in the months ahead. This should include plans related to striped bass, black bass and other predatory fish.

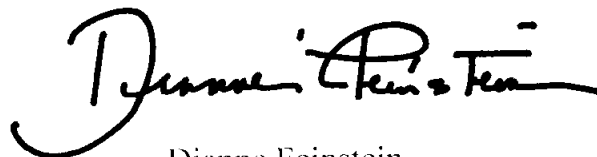
Additionally, non-native invasive species, such as clams, like *Corbula*, that filter the Delta's natural food column, are an unchecked threat to this ecosystem. The ecological threat from invasive quagga mussels is a growing concern in California and would have dramatic effects on the Delta ecosystem if they invade this Estuary. I understand that there may be limits to an effective response to these species. Yet an aggressive response is still in order.

I understand that the Department of Fish and Game has developed an Aquatic Invasive Species Management Plan for the Bay-Delta but lacks the approximately \$2 million to fund it. Would implementing this strategy be helpful? Do you have other suggestions for addressing invasive species? I look forward to your response, because I believe that the California Department of Fish and Game and the Fish and Game Commission have obligations to protect the Delta in a comprehensive fashion, including the reduction of impacts from non-native predatory fish and other invasive species.

Your actions on these issues are only part of a broader regulatory strategy that is needed. As you know, the U.S. Fish and Wildlife Service's biological opinion on the Delta smelt will significantly limit water supplies for more than 24 million Californians and millions of acres of farmland for the foreseeable future, threatening an already fragile economic situation. In addition, I sent a separate letter earlier this week to representatives of the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board, asking these regulatory bodies to investigate the effect of ammonia discharges from wastewater treatment plants into the Delta, and to take corrective action as necessary.

I look forward to working together on your part of this comprehensive regulatory strategy. I believe it is critical not to single out any one point of stress on the Delta fisheries, but instead to take action to address all of the causes of the Delta's decline so we can fully restore the health of this valuable water body.

Sincerely,

A handwritten signature in black ink that reads "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D" and a stylized "F".

Dianne Feinstein
United States Senator

DF:jw