



## **Press Release**

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**For Immediate Release**

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### **USBR, USFWS Gives Away 451,000 Acre Feet of Fish Water to San Joaquin Valley Farmers**

*Same farmers now suing Interior to stop releases of water to save fish*

The California Sportfishing Protection Alliance has recently learned that the U.S. Bureau of Reclamation (Bureau) and U.S. Fish and Wildlife Service (collectively, the Department of Interior) inexplicably gave away 451,000 acre-feet of water in 2011 to farmers in the San Joaquin Valley that could have been stored in Shasta Reservoir to provide critical relief for fisheries in 2012 (below normal year) and 2013 (dry year). Over half of the available spawning habitat on the Sacramento River for endangered winter-run Chinook salmon has been eliminated this year because of a lack of available cold water in Shasta Reservoir. Lack of flow this year has also caused serious violations of water quality standards in the Delta and impacted endangered Delta smelt.

“It is outrageous that the Department of Interior gave away many thousands of acre-feet of fishery water to San Joaquin Valley farmers that could have mitigated serious impacts to salmon and Delta smelt this year,” said CSPA Executive Director Bill Jennings. “But it is abominable and scandalous that the recipients of that gift have now turned around and sued Interior for proposing to release a small amount of water on the Trinity to prevent a repeat of the massive Klamath fish kill of 2002,” he said. Jennings further pointed out that, “these same South of Delta farmers also received considerable additional exported water this year because water quality standards in the Delta were ignored and violated.” “They have no shame,” he said.

Pursuant to Section 3406(b)(2) of the Central Valley Project Improvement Act (CVPIA), the Department of the Interior is allocated 800,000 acre-feet of water annually to protect fisheries. During wetter years, like 2006/07, the Department of Interior has “banked” unused portions of that water in Shasta Reservoir for use in future drier years. However, in the wet year of 2011, only 348,800 acre-feet were used to protect fisheries. Instead of banking the water for future needs, the Department of Interior allowed the remaining 451,200 acre-feet to be used as “replacement pumping” to make up for restrictions imposed by the State Water Resources Control Board (State Board) in its Bay-Delta Water Quality Control Plan (D-1641). D-1641 eliminated the Department of Interior’s right to use fish water to make up for water necessary to meet the Water Quality Control Plan’s water quality requirements.

In April, May and June 2013, the Bureau and Department of Water Resources (Department) violated water quality standards for salinity at Emmaton and in June violated salinity standards at Jersey Point. These compliance points are located in the western Delta. Southern Delta salinity standards were also violated June, July through 15 August. Fearing that they would also violate Delta Outflow standards, as well as temperature standards on the Sacramento River, the Bureau and Department requested that State Board Executive Director Thomas Howard and Delta Watermaster Craig Wilson allow them to operate under a “critical year” classification instead of a “dry year” classification and move the temperature compliance point on the Sacramento River upstream. The National Marine Fisheries Service, Fish and Wildlife Service and Department of Fish and Wildlife endorsed the request.

Despite a dry spring, 2013 is legally defined as a “dry year.” The State Board has no legal authority to arbitrarily change the water year classification. However, on 29 May 2013, the State Board informed USBR and DWR that they “will not object or take any action if the Bureau and Department operate to meet critically dry year objectives for Western and interior Delta.”

The result of the State Board’s refusal to enforce water quality standards was that the Bureau and Department increased reservoir releases, ramped up exports and throttled back Delta outflow. The temperature compliance point on the Sacramento River was moved from Red Bluff upstream to Anderson, eliminating crucial spawning habitat for winter-run Chinook salmon. Reduced Delta outflow caused the low salinity zone to move upstream and Delta smelt were drawn into the Western Delta to perish. But the farmers of Westlands and San Luis Delta Mendota Water Authority, who are now suing the Department of Interior over Trinity releases, got more water.

“This year’s failure of resource and regulatory agencies to protect fisheries and enforce the law is a poster child for the collapse of the Delta’s ecological tapestry,” said Jennings. “The resource agencies have bent over backwards to give San Joaquin Valley farmers additional water, even at the expense of fisheries, and these same farmers quickly sued the agencies when they attempted to release a little water to prevent a massive fish kill,” he said.

Further information, including Interior’s Water Year 2011 B2 Water Final Accounting, correspondence between the agencies and State Board and a report on this years demise of Delta smelt can be found at [www.calsport.org](http://www.calsport.org).

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The California Sportfishing Protection Alliance (CSPA) is a 501(c)(3) non-profit public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife and fishery resources and their aquatic ecosystems and associated riparian habitats.

To further these goals, CSPA actively seeks federal, state, and local agency implementation of environmental regulations and statutes and routinely participates in administrative, legislative and judicial proceedings. Where necessary, CSPA directly initiates enforcement actions on behalf of itself and its members to protect public trust resources.