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On Behalf of the California Sportfishing Protection Alliance

**BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

HEARING IN THE MATTER OF
CALIFORNIA DEPARTMENT OF
WATER RESOURCES AND UNITED
STATES BUREAU OF RECLAMATION
REQUEST FOR A CHANGE IN POINT
OF DIVERSION FOR CALIFORNIA
WATER FIX

PART 2 TESTIMONY OF DAN
BACHER

I Dan Bacher do hereby declare:

My name is Dan Bacher. I am the long-time editor at Northern California Angler Publications, the publishers of the Fish Sniffer magazine, a bi-weekly fishing magazine that covers freshwater and saltwater fishing in northern California and southern Oregon and freshwater fishing in Nevada.

I have written many thousands of reports and features on fisheries, water, regulatory capture, and environmental justice for an array of publications, including the East Bay Express, Appeal Democrat, Sacramento News & Review, Sacramento Bee, Native California News, Elk Grove News, yuba.net, Counterpunch and others. I am a member of the Freelancers Guild of the Pacific Media Workers Guild, Communications Workers of America (CWA) AFL-CIO, Local 39521. I also serve on the Advisory Board

of the Save the American River Association and am a board member of water4fish.org. I was inducted into the California Outdoors Hall of Fame in January 2015.

Based on the research and many articles I have written since 1983, my conclusion is The State Water Board should not approve the joint petition filed by the California Department of Water Resources and the U.S. Bureau of Reclamation to add three new points of diversion and/or points of rediversion of water to specified water right permits for the State Water Project and the Central Valley Project associated with the California WaterFix Project.

The project would present a tremendous danger to the fisheries that I write and edit articles about and to the recreational fishing industry that I work for.

When I first began work full time as an editor for the publication in 1985 and as a columnist and report writer two years prior to that, the fishing scene was much different than it is now.

There were a plethora of bait and tackle stores in the Sacramento area, including Wild Sports in Orangevale, Fran and Eddy's Sports Den in Rancho Cordova and Roseville, Ben's Bait and Tackle in West Sacramento, River City Bait and Tackle in Sacramento, Fruitridge Bait and Tackle, Sacramento Pro Tackle and Broadway Bait and Tackle, Saving Center, Elkhorn Bait and Tackle in Elverta and three shops in Freeport, a total of 13 stores.

Now, after years of fishery declines, the only local bait and tackle stores left are Sacramento Pro Tackle, Broadway Bait, Fisherman's Warehouse, and Elkhorn Outdoors, and three bait shops in Freeport, a total of 7 stores.

The closure of the salmon season in 2008, 2009 and 2011, spurred by record water exports, combined with poor ocean conditions and other factors, caused immense harm to the local fishing industry. One of the biggest fishery incomes of the year, the salmon fishery on the Sacramento, American and Feather, was lost when the season was closed for two years and restricted for another year. This decline in income to bait and tackle stores and fishing coincided with a drop in license sales.

We had scores of fishing guides and charter boats that used to advertise in our publication before the collapse of salmon, steelhead, striped bass, shad and other fisheries. Now there are only five fishing guides on the Sacramento River and its tributaries and eight charter boats currently advertising. By contrast, there were 15 fishing guides on the Sacramento River and its tributaries and 26 charter boat operations located from Bodega Bay to Monterey advertising in the publication back in September of 1988. Now committed fishermen leave the state to fish, taking their dollars in other areas, like Alaska or British Columbia.

There were also at one time five fishing publications in our region: The Northern California Fish Finder, Rabid Angler News, Fishing and Hunting News and Western Outdoors, Northern California edition, and our publication. Now only the Fish Sniffer and Western Outdoor News are left.

In addition, our staff at the Fish Sniffer, due to fishery declines, has dropped from 10 full time staff positions in the late 1980s to only four full time staff positions now.

Since 1980, the number of annual fishing licenses sold in California declined over 55%. In fact, the number of annual licenses plummeted by another 40,000 in 2014 alone,

according to the California Sportfishing League. CA ranks dead last in statewide fishing participation rate – and in northern California, much of this the result of a decline in striped bass, Chinook salmon, steelhead, shad and white sturgeon fisheries spurred by increased water exports out of the Delta.

While California's 2.8 million anglers rank as one of the top markets for outdoor consumer products in the country, there has been an unprecedented decline in California's fishing participation rate, as well as its impact on an industry that contributes over \$4.6 billion annually to California's economy and supports more than 35,000 jobs, according to the California Sportfishing Protection League.

This decline in fishing license sales is an alarming trend that has devastated businesses and the California communities dependent on recreational fishing for tourism, jobs and tax revenue.

While there are many factors, including the high price of fishing licenses now, the removal of vast quantities of water from the Delta in the state and federal pumps is acknowledged as a key factor in this decline.

When I first began with the Fish Sniffer, anglers were able to still fish for winter run Chinook on the Sacramento River and spring run Chinook salmon on the Feather River and Butte Creek.

However, the decline of the winter run Chinook and spring run Chinook salmon runs has led to a collapse in both these populations. The winter run Chinook declined from 117,000 fish in 1969 an average of 87,000 spawning adults in the late 1960s to fewer than 200 in the early 1990s, according to NOAA Fisheries.

On March 6, 1989, the California Fish and Game Commission denied endangered species protection to the winter-run Chinook salmon that for many thousands of years spawned in the McCloud River that drains the Mount Shasta Glacier. Hal Bonslett, the late founder and publisher of the Fish Sniffer, and I were there at the meeting in Sacramento on a crusade to stop the extinction of the fish,

The Tehama Fly Fishers and John Merz, then the executive director of the Sacramento River Preservation Trust, Bonslett and I argued before the Commission to put the fish on the state endangered species list to prevent it from going extinct, but to no avail at first. However, we kept going to the Commission meetings and working on the federal level for the listing of the winter run Chinook as endangered. Hal and I wrote one editorial after another calling for the designation.

We finally succeeded on the state level later in 1989 when the fish was listed as “endangered.” The National Marine Fisheries Service also listed the winter run as “threatened,” five years after the agency received the petition calling for the listing. After receiving another petition, NMFS listed the fish as “endangered” in 1990.

The winter run Chinook ‘s dramatic decline is due to dramatic increases in water exports to corporate agribusiness interests through the State Water Project and Central Valley water project pumps in the South Delta, as well as the construction of Shasta and Keswick Dams.

The years from 2003 to 2011 featured record water exports out of the Delta. The state and federal governments authorized the all-time record for exports out of the Delta

in 2011 – 6,520,000 acre-feet. That’s 217,000 acre feet more than the previous record of 6,303,000 acre feet set in 2005.

In the years since the initial listing, run numbers have bounced up and down, with a number of measures taken, including the screening of unscreened diversions on the Sacramento, the removal of the Red Bluff Diversion Dam and some restrictions on Delta pumping resulting from federal biological opinions.

I believe that excessive exports of water since the State Water Project came on line in 1968 and poor management of upstream reservoirs have led to a steady decline of pelagic and anadromous fish species in recent years. This has seriously impacted the health of the recreational and commercial fisheries to the point where numerous species are bordering on extinction. Clearly public trust fishery and recreational fishery issues haven’t been protected – and this degree of public degradation cannot be in the public interest.

It’s now 2017, over 28 years after the initial listing, and the winter run Chinook salmon is still in deep, deep trouble. Only 1,123 adult winter Chinook salmon, once one of the biggest salmon runs on the Sacramento River and its tributaries, returned to the Sacramento Valley in 2017, according to a report sent to the Pacific Fishery Management Council (PFMC) by the California Department of Fish and Wildlife (CDFW).

This is the second lowest number of returning adult winter run salmon since modern counting techniques were implemented in 2003, undercut only by the 824 that returned in 2011.

I am supporting the Winnemem Wintu Tribe in their effort to reintroduce the original run of McCloud winter run Chinook, now thriving on the Rakaira River in New Zealand, where they were introduced over a hundred of years ago, back to their ancestral home on the McCloud.

Like the winter run Chinook, the Delta smelt and longfin smelt has declined to record low levels in recent years. These three indicator species are part of an overall ecosystem decline, including dramatic reductions in spring and fall-run Chinook salmon and steelhead populations, driven by water diversions by the federal and state water projects.

All of the species that need healthy river flows to survive have declined since I started working for the Fish Sniffer. From 1967 through 2015, populations of striped bass, Delta smelt, longfin smelt, American shad, splittail, threadfin shad, spring Chinook, winter Chinook, fall Chinook, late fall Chinook and Central Valley steelhead have declined by orders of magnitude, according to data compiled by the Department of the Fish and Wildlife and the Anadromous Fisheries Restoration Program. This program has failed to double populations of naturally anadromous fish species from the average of their 1967 to 1991 levels, as required by the Central Valley Improvement Act of 1992.

I have written hundreds of articles about the Delta Tunnels and have testified before the Delta Stewardship Council and other state panels many times about the many problems with the California WaterFix here.

However, in the many hours I've spent covering the California WaterFix and its predecessors, there's one terminal flaw with the project that stands out among all others: the false assumption the project is based upon.

The Water Fix is based on the absurd contention that taking up to 9,000 cubic feet per second of water from the Sacramento River at the new points of diversion will restore the ecosystem.

I am not aware of a single project in US or world history where the construction of a project that takes more water out of a river or estuary has resulted in the restoration of that river or estuary.

Based on this untenable premise and all of the flaws that thousands of Californians have uncovered about the project, I am urging the Board to reject the petition by the California Department of Water Resources and U.S. Bureau of Reclamation now before them.

Rather than building the Delta Tunnels, we need to look at sustainable alternatives such as the Environmental Water Caucus Responsible Exports Plan that I understand is being submitted into the record. We need to support sustainable alternatives to ecosystem restoration and water supply reliability that will restore our salmon, steelhead, striped bass, sturgeon, American shad and other valuable fisheries, based on upholding the public trust and public interest, rather than destroying them.

Executed on this 29th day of November 2017 in Sacramento, California.

A handwritten signature in black ink, appearing to read "Dan Bacher", is shown within a light gray rectangular box.

Dan Bacher