

## CASE 7

The Bay Delta, formed at the confluence of the Sacramento and San Joaquin Rivers, is the largest estuary on the West Coast, covering 738,000 acres or a 1,250-square-mile expanse of farmland, sloughs, and marshes connected to San Francisco Bay. Much of the land is below sea level and relies on more than 1,000 miles of levees for protection against flooding.

The agricultural belt of the Central Valley, which is the backbone of the California economy, depends on fresh water pumped from the delta to the various agricultural regions via a system of sloughs and aqueducts. Agriculture is a \$30 billion industry in California, providing approximately 15-20% of the nation's agricultural products, and employing over 500,000 agricultural workers (24% of the workforce) from Redding in the north, to Bakersfield in the south.

The Central Valley includes the community of Fresno, which in 2006 was credited with the nation's worst poverty. At 43.5%, Fresno leads the nation in the percentage of poor residents; a trend exacerbated over the last 30 years as a result of a six-fold growth in the city's immigrant population, a population that is almost entirely dependent upon farm labor as a source of employment. Fresno is not the only poor community in the area, however. The Central Valley has the state's worst poverty, educational attainment, and health statistics. Yet it is home to a variety of vibrant, hard working communities, which are economically dependent upon agriculture, either directly or indirectly.

Agriculture uses approximately 40-50% of the state's total annual water resources. The two major pumping stations, located near Tracy, at the southern tip of the delta, transfer several trillion gallons of water from the delta annually, and are powerful enough that, when operating at capacity, they have the effect of reversing the normal flow of water in the delta.

The delta is also the only habitat for the Delta Smelt. Once the estuary's most abundant species, it is now on the brink of extinction. In 1993, the two inch long blue-green fish, which smells like cucumber, was declared endangered and subject to the protection of both the California and Federal Endangered Species Acts. The smelt's short life span and need for both brackish and fresh water habitat make it an environmentally sensitive species. It is widely believed that the smelt are a barometer for other sensitive species. As the smelt go, so do other species, worry area scientists, environmentalists and sport fishers.

In 2005, California Department of Fish and Game declared that pumping fresh water from the delta would not threaten the fish population. However, a coalition of anglers, commercial fishermen, Indian Tribes, and environmental justice advocates disagreed and pursued the matter through the courts, trying to force the state to mitigate the impact of the pumps on the fish population.

Federal District Court Judge Oliver Wanger, who mandated on May 25th, 2007 that the pumps be brought into compliance with the Endangered Species Acts, agreed, expressing frustration with the government's inability to manage California's water without putting fish at risk of extinction. In a June 23, 2007 Oakland Tribune article, Judge Wanger made the enormity of the problem clear, "What can we do to remedy that in a way that won't cause a whole swath of destruction? We have allowed the government to address these issues and it simply hasn't worked."

Some characterized California's reluctance to act as being in a state of denial, while others expressed uncertainty that these efforts would ensure the smelts' survival.

On May 31st, the state Department of Water Resources took the dramatic step of shutting down the delta pumps. Originally, the shutdown was to last 7-9 days, but ended up lasting almost three weeks. Disappointed by the drastic action, Assemblywoman Nicole Parra issued a press release on June 14th, in which she said, "The magnitude of a continued shut down or severely curtailed operations should not be underestimated. The curtailed delivery of water... would have significant impacts upon the Central Valley, the state's overall economy, and food supply and costs across the nation. Farmers and ranchers render decisions months in advance about what crops to plant and grow. They engage in such decision-making by knowing that a water source will be available and when that water will be available."

In a June 14th editorial in *The Fish Sniffer*, Bill Jennings, chairman of the California Sportfishing Protection Alliance, clarified the "battle to save the Delta smelt is not a fish versus people issue. It's a case of fish and the West Coast's biggest and most important ecosystem versus subsidized crops. We may be witnessing the first ever extinction of a species deliberately caused by the Bureau of Reclamation and Department of Water Resources."