



Delta fish denied federal protection as endangered species

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The U.S. Fish and Wildlife Service announced Wednesday that the population of longfin smelt in the San Francisco Bay and Sacramento-San Joaquin Delta will not be protected under the federal Endangered Species Act.

The announcement came in response to a petition filed in August 2007 by environmental organizations that had sought protection for a distinct population segment of the longfin smelt, a species that is up to 5 inches long.

The Bay Institute, as well as the Center for Biological Diversity and the Natural Resources Defense Council, had sought to protect the longfin smelt of the Bay-Delta, which recent surveys have concluded are at record low levels.

Al Donner, spokesman for the U.S. Fish and Wildlife Service, said the agency could not conclude that the fish were genetically different or physically isolated from other longfin smelt further up the Pacific Coast.

The fish live in estuaries spanning from the Bay Area to Alaska, according to Donner.

"Part of the challenge was a lack of information," Donner said. "There's not as much good data as would be helpful, that would allow us to make a more detailed analysis."

Lisa Belenky, an attorney with the Center for Biological Diversity, said the agency "pretty much ignored the science that was provided in the petition."

Donner cited a 2007 report by Bay Institute conservation biologist Jonathan Rosenfield titled "Population Dynamics and Distribution Patterns of Longfin Smelt in the San Francisco Estuary" as "one of the studies that indicated (to the agency) that the populations do go out into the currents" of the ocean.

However, Rosenfield said Wednesday the fact that the fish migrate out into the ocean is "not news to anybody," but asked "how are those fish coming back (to the Bay Area) if the current is going north? What does that have to do with sustaining the population here?"

"If anything, that makes it more distinct, and makes it more necessary to conserve here if this population is crucial to maintaining the population up the coast," he said.

Rosenfield estimated that the longfin smelt population in the Bay-Delta was "about 1 percent of what it was 20 or 25 years ago," and that the main harm to the species has been done by the diversion of freshwater in the Delta.

The California Fish and Game Commission voted on March 4 to protect the longfin smelt as a threatened species under the state's Endangered Species Act.

Belenky said the vote means that if a potential project affects the fish, the state's Fish and Game Commission would have to evaluate whether or not to go forward with the project.

Belenky said that the problem is that "so many projects in the Delta are federal ones, and those agencies are not necessarily subject to state law."

The U.S. Fish and Wildlife Service also announced that it would seek additional information for a broader assessment of the longfin smelt that could lead to future action to protect the population throughout its range.

However, Rosenfield was skeptical given the outcome of today's decision, saying that the agency "couldn't call me even though they rely on my research and had over a year and a half to confirm that line of reasoning with me."