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Feds add Bay-Delta longfin smelt to ESA

by Dan Bacher
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The federal government on March 29 found that the San Francisco Bay-Delta Estuary population of longfin smelt, a cousin to the endangered Delta smelt, warrants protection under the Endangered Species Act (ESA).

However, the U.S. Fish and Wildlife Service said in a statement that it is precluded at this time from adding the species to the Federal List of threatened and endangered species "by the need to address other higher priority listing actions," drawing criticism from environmental groups that believe immediate protection of the species is warranted.

In an alarming coincidence, "salvage" of longfin smelt at the South Delta export facilities of the state and federal water projects has accelerated over the past week, jumping to more than 1,200 "salvaged" fish from about 300 a week earlier.

The Service finding, made after a comprehensive review of the "best available scientific information" concerning the species and the threats it faces, means the longfin smelt DPS will be added to the list of candidates for ESA protection, where its status will be reviewed annually.

Photo of Longfin smelt taken on February 14, 2008 at the Tracy Fish Collection Facility. Photo by René Reyes, US Bureau of Reclamation.

"Candidate" species do not receive statutory protection under the ESA, meaning that that the finding does not impose any new requirements or restrictions, according to the Service. The longfin smelt species remains listed as a "threatened" species by the state of California, meaning that under State law the species cannot be "taken" without a permit from the State.

"Large distances between populations, the small size of this fish and potential obstacles to movement posed by ocean circulation patterns in coastal waters make the Bay-Delta population of longfin smelt markedly separate and discrete from other longfin smelt," said Mike Chotkowski, field supervisor of the Bay-Delta Fish and Wildlife Office in Sacramento. "Our finding indicates that ESA protection is warranted for the Bay-Delta DPS only, not for other longfin smelt populations."

The service said the annual review and identification of candidate species provides the Service and other federal agencies, states, tribes, and other partners with notice of species in need of conservation, allowing them to address threats and take actions that may preclude the need for protection under the ESA. Any future proposal to add longfin smelt to the federal list of threatened and endangered species would be subject to public review and comment.

The finding is the result of a 2011 lawsuit settlement agreement with the Center for Biological Diversity and The Bay Institute, who challenged the Service's 2009 finding that the San Francisco Bay-Delta population of the longfin smelt did not meet the criteria to be listed as a distinct population under the ESA.

Under the terms of the settlement, the Service agreed to conduct a range-wide 12-month finding to be submitted for publication in the Federal Register by March 23, 2012, and to reconsider the San Francisco Bay-Delta population for protection as a distinct population segment (DPS).

A copy of the finding and other information about longfin smelt is available on the Internet at http://www.fws.gov/cno/es/speciesinformation/longfin.html andhttp://www.fws.gov/sfbaydelta/

Environmental groups criticize agency for postponing protection

The Center for Biological Diversity and Bay Institute said they were glad that the federal agency recognized that Bay-Delta longfin smelt constituted a distinct population, but criticized the Service for putting the fish on a waiting list rather than providing immediate protection.

"There is no higher priority than protecting one of the most endangered fish in the Bay-Delta," said Dr. Jon Rosenfield, conservation biologist with The Bay Institute. "Drastic reductions in freshwater flows to the Bay drove longfin to the brink of extinction, and these massive diversions of freshwater continue to jeopardize the species today."

"We're pleased the Service recognized that longfin smelt in San Francisco Bay are a distinct and independent population, uniquely important to the species as whole. But that recognition will be meaningless if longfin are allowed to go extinct while waiting for the flow and habitat protections they need to survive," said Rosenfield.

Rosenfield said longfin smelt were once one of the most abundant open-water forage fishes in San Francisco Bay and the Delta. Historically, they were so common that their numbers supported a commercial fishery at one time.

Longfin smelt are still a key component of the estuary food web, part of a prey base that supports commercially and recreationally valuable species such as Chinook salmon, steelhead and sturgeon.

"State surveys show that longfin smelt numbers in the Bay-Delta have plummeted to record lows since 2001, and that the species is nearing extinction in other Northern California estuaries," said Rosenfield. "Decades of unsustainable water diversion in the Delta and its Central Valley watershed have dramatically reduced freshwater flow into the Bay by as much as 70 percent in the critical winter-spring period in recent years."

The export of Delta water to corporate agribusiness and southern California is considered the primary driver of the ecological collapse of the largest and most significant estuary on the West coast - and of the unprecedented declines of longfin smelt and other flow-dependent native fish including Central Valley steelhead, Sacramento River Chinook salmon, Delta smelt, Sacramento splittail and green sturgeon.

"Longfin smelt need protection now if they're going to have any shot at survival," said Noah Greenwald, endangered species director at the Center for Biological Diversity. "Massive water grabs threaten the survival of not just the longfin smelt, but also salmon, fishermen and the entire Bay Delta Ecosystem. These water grabs, often at taxpayer expense, typically benefit a small number of corporate agribusinesses and are increasingly being funneled for urban sprawl in Southern California."

The groups said this direct measure of water export impacts on longfin smelt represents "only the tip of the iceberg "compared to the overall impact of water diversions on the quantity and quality of longfin smelt habitat downstream.

Ground-breaking report documents fish carnage at the pumps

Earlier in the week, the Bay Institute released a groundbreaking report on the impact of export-related "salvage" of longfin smelt, Central Valley chinook salmon, Sacramento splittail and other species at the south Delta pumps.

The report revealed that an average of 6,228 longfin smelt are "salvaged" annually in the Delta pumping facilities, with a maximum of 97,686 smelt salvaged over a one year period.

Among other conclusions, the report also revealed the following disturbing data:

• Every day, between 870 and 61,000 fish – including from 200 to 42,000 native and endangered fishes – are "salvaged" at the Delta pumps. Most die in the process.

• On average, over 9 million fish – representing the twenty fish species considered in this report – are "salvaged" each year at the pumps. As many as 15 million fish of all species encountered are "salvaged" each year.

• Up to 40% of the total population of the endangered delta smelt and 15% of the endangered winter-run population of Chinook salmon are killed at the pumps in some years. In the first half of 2011, over 8.6 million splittail were salvaged.

• Salvage estimates drastically underestimate the problem. The numbers do not factor in the results of "indirect" mortality, as high levels of export pumping disrupt fish migration, shrink the amount of non-lethal habitat available to fish species, and remove vast amounts of biomass, including fish eggs and larvae too small to be screened at the pumps.

• Export pumping causes the lower San Joaquin River to flow backwards most of the year and removes the equivalent of 170 railroad boxcars of water – and the accompanying fish, other organisms, and nutrients – from the Delta ecosystem every minute.

• Large numbers of fish being entrained is a problem even for species that are not currently listed as "endangered." Killing large numbers of fish year after year cuts off population growth in response to favorable conditions and can start the species on a downward path to extinction. As the species declines, the population impacts of entrainment become proportionately larger.

A record number of 8,989,639 Sacramento splittail were "salvaged" in the Delta pumps in 2011. In comparison, an average of 1,201,585 splittail were "salvaged" betweeen 1993 and 2011, according to the report.

It is no coincidence that the record "salvage" of splittail occurred during a record year for water exports.

The annual export total, including water diverted by the Contra Costa Canal and North Bay Aqueduct, was 6,633,000 acre-feet in 2011 – 163,000 acre-feet more than the previous record of 6,470,000 acre-feet set in 2005, according to DWR data. The annual export total, excluding water diverted by the Contra Costa Canal and North Bay Aqueduct, was 6,520,000 acre-feet in 2011 - 217,000 acre-feet more than the previous record of 6,303,000 acre-feet set in 2005.

It is important to note that these record water exports and record splittail "salvage" occurred under the "environmental" leadership of the Brown and Obama administrations. These same administrations are currently fast-tracking the construction of the peripheral canal or tunnel through the Bay Delta Conservation Plan (BDCP), a project that is likely to lead to the extinction of Central Valley salmon and Delta fish species, according to Delta advocates.

Much of the water exported last year went to refill the underground Kern Water Bank, largely controlled by billionaire agribusiness tycoon Stewart Resnick, the owner of Paramount Farms, and to the smaller Diamond Valley reservoir in Southern California.

You can download the Bay Institute's report, Collateral Damage, by going to: http://bay.org/publications/collateral-damage).

Longfin Smelt Background:

Conservation groups petitioned for Endangered Species Act protection for the San Francisco Bay-Delta population of longfin smelt (Spirinchus thaleichthys) in 2007. In 2009, the Service denied federal protection to the Bay-Delta population while promising to look at the status of the species as a whole, claiming that Bay-Delta fish were not distinct.

Expert fish biologists criticized the finding as "incomprehensible" and contrary to science, since these smelt do not interbreed with other remnant smelt populations in Northern California. The Center for Biological Diversity and The Bay Institute challenged the finding in a lawsuit, leading to today's range-wide status review of longfin smelt, from California to Alaska. Experts on native fish have recommended Endangered Species Act protection for longfin smelt since the early 1990s

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The state of California protected the longfin smelt as a "threatened species" under the California Endangered Species Act in 2009, but it issued a questionable exemption to the Department of Water Resources for the impacts of the ongoing operations of the State Water Project in the Delta on longfin smelt. That permit runs until 2018 and features the dubious mitigation requirement of protecting a mere 80 acres of intertidal and wetlands habitats each year in exchange for ongoing losses of longfin smelt at the state pumps and water facilities and alteration of suitable habitat.