

House Resources Committee  
Hearing on the Delta ecosystem crisis  
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Press coverage

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**Compiled by the Office of Rep. George Miller (D-Martinez)**

Tracy Press

## **Delta proponents unite for common purpose**

Nick Juliano

STOCKTON — A handful of protesters demonstrating against Rep. Richard Pombo's positions on the environment would hardly be unusual, especially gathered outside a field hearing the House Resources Committee chairman called here Monday to discuss declining fish populations in the Sacramento-San Joaquin River Delta.

But the signs imploring Pombo, R-Tracy, and the other committee members to "Save the Delta" weren't held by your standard green rabble-rousers, members of the Sierra Club or Defenders of Wildlife.

"The message we want to get across is 'We fish, and we vote,'" said Gary Adams, one of about a dozen anglers who demonstrated after the end of Monday's hearing at the Port of Stockton.

Pombo has emerged largely unscathed from the incessant attacks heaped upon his policies and character from an array of opponents, including environmentalists and his Democratic challengers.

But complaints from hunters and anglers — sometimes referred to as the "hook and bullet" crowd — sidelined a plan pushed by Pombo last year to sell thousands of acres of public land across the country.

And they could become a political force here in the 11th Congressional District election.

"Individually, I think you would see fisherman and environmentalists swing into this contest," said Bill Jennings, executive director of the California Sportfishing Protection Alliance, which is based in Stockton.

Jennings emphasized that his organization does not explicitly engage in partisan politics. In fact, he said, several environmental organizations originally wanted to use the hearing as a forum for a catchall assault on Pombo's activities, including his contributions from convicted lobbyist Jack Abramoff (which were later donated to charities).

But when it comes to the Delta, Jennings said he and other anglers wanted Pombo to make a firmer commitment that ensuring the quality of the water is more important than increasing demands to irrigate fields in the southern San Joaquin Valley and delivering drinking water to homes around Los Angeles.

Late last year, Pombo worked with Rep. James Gibbons, R-Nev., to insert into a budget-cutting bill a provision that would have allowed the purchase of mining sites on public land, which hook and bullet groups worried would limit the areas where they would be able to hunt and fish.

More than 750 hunting groups came out against the measure, according to one report, and it was eventually pulled from the bill after several Western state senators, including many Repub-

licans, opposed the measure.

“This is a trend that we’ve been seeing nationally, which is that environmentalists have been working with hunters and fishermen — the type who we may think culturally don’t relate to the traditional environmental movement, but on some issues, like preservation or open space, they might find some common ground,” said Amy Walter, who analyzes House of Representative races for the Washington-based Cook Political Report.

Pombo said he hoped Monday’s hearing would be the first of many to address declining fish populations in the Delta.

Many questions about the cause of the decline and the best solution to the problem remain unanswered, Pombo said, explaining that it is his goal to collect the best available scientific data before deciding on any solutions.

“This is a complicated issue,” Pombo said. “It is not something that can be boiled down to 30-second sound bytes.”

## Tracy Press

### **Few answers for declining fish**

Phil Hayworth

STOCKTON — No one knows exactly by how much, or even why, smelt, bass and other fish species in the San Joaquin Delta have declined.

Nine months after a study was published suggesting some Delta fish species were in serious trouble, state scientists Monday were still unable to define exact reasons for the changes at a field hearing of the House Resources Committee at the Port of Stockton.

“Can you tell me how much the smelt have declined?” asked Rep. Richard Pombo, R-Tracy. “Fifty percent? Ten percent?”

He was fishing for a descriptive number. But none of the agency-based scientists could — or would — bite.

“All we know is that the trend is down,” replied a stoic Randall Baxter, a biologist with state Department of Fish and Game. “We don’t know where the bottom is.”

But all agreed that a tangled web of factors ails the Delta, led by the unholy trinity of excessive water pumping, pollution and invasive species.

Fisheries in Suisan Bay, for example, are menaced by a nonnative species of clam, said Matt Nobriga of the state Department of Water Resources.

Pesticide runoff, meanwhile, could be what’s causing huge summertime blooms of toxic microcystis



**TESTIFY:** Congressmen George Miller (left) and Richard Pombo preside over a House Resources Committee hearing Monday about the health of the Sacramento-San Joaquin Delta.

algae thought to contribute to the toxicity of Delta ecosystems, said Rich Breuer of water resources.

And the redistribution of 6 million acre-feet of Delta water per year might hurt smelt and bass habitat, suggested fish and game's Chuck Armor.

But they won't have exact answers until more studies are completed, the scientists agreed.

"After years of study and millions of dollars," scientists and officials still don't understand what's ailing the Delta, Pombo lamented.

His Democratic colleague on the Resources Committee, Rep. George Miller of Concord, suggested that even if we knew, it might not matter.

"Even the best science" might not be followed by policy, Miller said.

Miller said that contracts to pump Delta water to the dry regions of the San Joaquin Valley and Southern California could take precedence over scientific findings.

Last summer, for example, at the same time that studies were released that showed an alarming drop in Delta fish species, the Department of Water Resources was selling a new pumping contract called the "South Delta Improvements Package."

It includes provisions to increase pumping limits from 6,680 cubic feet per second to 8,500 cubic feet per second.

"Even at the present rate, the pumps kill all species" of plankton and water plants, decimating food sources for fish, said Bill Jennings, executive director of the California Sportfishing Protection Alliance.

"That's what you get when you eliminate the requirement that policy be based on the best science," and allow "political appointees to make policy," said Brent Plater, lawyer for the San Francisco-based Center for Biological Diversity.

After two hours of expert testimony, the 100 people at the hearing Monday were left with more questions than answers.

"We know a lot more about what we don't know," said Rep. Dennis Cardoza, D-Merced.

Cardoza and others on the panel might have gleaned more from the 30 members of the California Striped Bass Association who gathered outside after the hearing.

"These waters used to boil with stripers," Jennings said. Gesturing with his arms, the stout, white-bearded man continued: "The whole area was once a thriving fish nursery. It ain't like it used to be."

Jay Sorensen of the bass association agreed.

"What used to take us two hours then to catch now takes us 40 hours," Sorensen said.

## Policy threatens to eclipse science on Delta, Miller says

Mike Taugher

**STOCKTON** - During the first congressional hearing into what might be causing the ecosystem crisis in the Delta, Rep. George Miller said Monday that water agency officials are committed to sending water to San Joaquin Valley and Southern California even it comes at the expense of the Delta's health.

Miller, D-Martinez, said he doubts whether advice coming from scientists will be heeded if they conclude that pumping water out of the Delta is the main cause of the declining ecosystem.

Water pumping is considered one of the three leading suspects causing the Delta's problems, along with invasive species, especially an Asian clam that grows thick in Suisun Bay, and toxic substances like pesticides. Cutting back on water deliveries could be the logical recommendation if the Delta's woes are directly tied to the levels of pumping.

"You wouldn't introduce more clams at this point, would you? You wouldn't add more pesticides, would you?" Miller asked a panel of state and federal scientists.

That question underscored the most highly charged potential fallout of the Delta's problems -- that water deliveries to users in other parts of the state might be part of the reason for the ecological crisis. Reversing the problem could affect irrigation water for 7 million acres of farmland and drinking water for more than 22 million people.

Miller, said that although Monday's hearing was focused on the science underlying the problems, policy decisions should also be examined.

"We can keep talking about the best available science, but when you have the best available science ... it's not being followed," Miller said.

He cited two examples last year when scientists recommended temporary curtailments of water deliveries to protect Delta smelt.

In both instances, which the Contra Costa Times disclosed in July, water agency managers overrode the scientists' advice and maintained higher-than-recommended pumping levels, even though at the time they knew that populations of Delta smelt and other fish were plummeting to alarming depths.

"The battle cry here is sound science. You get sound science, and then you have policy people



A group of fishermen protests outside a congressional hearing on the health of the Sacramento-San Joaquin River Delta Monday in Stockton. At right is Gary Adams, state board president of California Striped Bass Association. The hearing, by the House Committee on Resources, sought information from a panel of state and federal scientists and department supervisors.

making decisions to overrule it," Miller said.

The field hearing of the House Resources Committee was convened by committee chairman Rep. Richard Pombo, R-Tracy, nine months after it became public that several Delta fish species were at least three years into a steep and inexplicable decline.

That decline, which appears to be indicative of deepening ecological problems in the Delta, continued to worsen last year. Even though two of the four fish species' populations rebounded, those improvements were not as big as expected given good snow and rainfall conditions last year, scientists said.

Meanwhile, Delta smelt, the most imperiled Delta fish species, went from a record low population to a much lower figure last fall.

"The one thing we learned in 2005 is there is no simple answer or smoking gun for this. This is a tough problem," said Chuck Armor of the California Department of Fish and Game.

Pombo said Monday's hearing was the first in what will be several on the Delta's troubles. The next hearing will probably focus on its fragile levees, he said.

Pombo said he wanted to avoid politics during Monday's hearing and delay discussion about what needs to be done so that the focus could be on what scientists know about the problem.

The panel included seven state and federal scientists who reviewed the scope and possible causes of the crisis: Last year, scientists realized that several of the Delta's open-water fish species, including Delta smelt, young striped bass, threadfin shad and longfin smelt, began a sudden and sharp decline in about 2002.

The sweeping nature of the decline within the open-water ecosystem and the fact that it could not be explained by weather patterns or any other identifiable cause alarmed scientists.

They quickly identified pumps, toxics and invasive species as possible culprits, and after a \$1.7 million research effort last year came up with two more detailed theories that might explain at least some of the problem.

The first theory involves invasive clams in Suisun Bay that are eating plankton that would otherwise be food for small fish. The second theory asserts that higher pumping rates during the winter, which were instituted to make up for slowdowns meant to protect fish in the spring, appear to be killing more fish than expected.



Congressman George Miller directs a pointed question regarding the relationship between water flow and delta health during a congressional hearing on the woes of the Sacramento-San Joaquin River Delta in Stockton. The hearing, by the House Committee on Resources, sought information from panelists from state and federal scientists and department supervisors.

But scientists said they do not know when the cause will be identified.

"Unfortunately, they are not as far along on the science as I had hoped in terms of conclusions and policy recommendations," Pombo said. "To make any kind of major policy change would be premature."

Five members of Congress, including Pombo and Miller, attended the hearing.

Rep. Dennis Cardoza, D-Atwater, Rep. Grace Napolitano, D-Norwalk, and Rep. George Radanovich, R-Mariposa, asked scientists to consider other possible explanations besides pumping rates, which they suggested could include global climate change.

Napolitano asked if fertilizers could be causing the problem and Cardoza wondered if the problem could be partly caused by car batteries and other trash in the Delta.

Miller suggested that the hearings advance more quickly to questions of policy given the severity of the crisis.

"A failing Bay-Delta estuary is not just an environmental problem," Miller said. "The Delta is the heart of California's river system and its fisheries, and when the Delta's vital signs are plummeting, it is a statewide crisis, and we need to act accordingly."

## Oakland Tribune

### **Cure sought for ailing Delta: Invasive species, pesticides, exportation of water hurting system, scientists tell Congress**

Douglas Fischer

STOCKTON — The House Resources Committee hauled seven government scientists to the table Monday to offer their best assessment on the collapse of the Sacramento-San Joaquin River Delta's ecosystem.

Their answer was as murky as the waters running through the sloughs and channels near here: "There is no end date where we can confidently predict we'll have an answer," offered Mike Chotkowski, a fisheries biologist for the U.S. Bureau of Reclamation, in response to one congresswoman's question.

It could have stood for many others.

The Delta's health has alarmed and puzzled scientists and government water managers recently. Fish stocks have dropped to historic lows despite millions of dollars spent on restoration efforts and consecutive years of relatively abundant rainfall.

At Monday's field hearing, scientists described the daunting task of trying to assess the health of

one of the West Coast's largest river systems — the water source of two-thirds of California's 35 million people and much of the state's \$32 billion agriculture industry.

"The current decline ... is a very complex problem," said David Harlow, assistant field supervisor for the U.S. Fish and Wildlife Service. "It is unlikely there will be a simple solution."

But the threat to the Delta's health likely comes from three main culprits, scientists told lawmakers: invasive species that out-compete native fish for food, pesticides and other contaminants that sully water quality, and water exports that lately have diverted record amounts of water to Southern California and the Central Valley.

"The complexity of the problem almost defies putting your thumb on any particular solution," said Rep. George Miller, D-Martinez.



HOUSE RESOURCES COMMITTEE chairman Rep. Richard Pombo (second from right) questions Chuck Armor of the California Department of Fish and Game about the Sacramento-San Joaquin River Delta during a hearing Monday in Stockton. The hearing was held to explore reasons behind the decline of four critical fish species. Also seen are Reps. Grace Napolitano, George Miller and George Radanovich.

And while conservationists have called loudly for those water exports to decrease, scientists on Monday steadfastly skirted any recommendation for that political hot potato — despite some lawmakers' best efforts. One exchange between Miller, the congressman, and Harlow, the field supervisor:

Miller: "How can you have an increase in exports at a time when you don't know the interaction of exports among the impacts? You wouldn't introduce more (invasive) clams at this point, would you?"

Harlow: "Right."

"You wouldn't increase more herbicides at this point, would you?"

"Right."

"Yet at this point various agencies have put in motion ... a course of action that will lead to more exports."

"I've been advised by legal counsel not to speculate."

Still, scientists repeatedly said Monday water exports, the vast amount of which go to agriculture, are just one piece of the puzzle.

The Suisun Bay, once an important nursery for many Delta species, is now virtually carpeted with a tiny invasive clam that essentially vacuums up the bottom of the food web, leaving little food for small fish. "We call it the 'bad Suisun Bay hypothesis,'" said Matt Nobriga, an environmental scientist for the California Department of Water Resources.

The introduction of a new class of short-lived pesticides meant to replace longer-living ones may have backfired, added Rich Breuer, program manager for the Department of Water Resources' water quality and estuarine studies. Studies of fish livers show considerably more lesions when compared with archived samples, Breuer added, though no one can say whether such damage comes from pesticides or starvation.

Meanwhile populations of Delta smelt have plummeted.

Last year, the state sent a record 6.4 million acre-feet of water south — 2 trillion gallons, or enough to cover San Francisco to the base of Coit Tower. Plans are in the works to increase that amount.

Thus, in a meeting ostensibly devoted to science of an ecosystem, the focus kept returning to the politics of water.

"I look at this and I'm somewhat concerned," said Resources Committee Chairman Richard Pombo, R-Tracy. "In the last 15 years we've spent hundreds of millions (of dollars) on restoration efforts and billions in lost economic activity (due to restrictions on water exports) and it doesn't seem that any of that has worked."

There's plenty of pressure to increase exports no matter what the science says, particularly with the Colorado River increasingly off-limits to California — which had Miller objecting to this notion of "sound science."

"If you rig the game at the outset then it's very hard to come up with a valid response," Miller said after the hearing. "There's a lot of politics being dumped on top of the attempts to improve the Delta system."

"You can wake up one day and find the Delta (has) completely collapsed."

## Stockton Record

### **Go fish: Hearing uncovers few answers to declining Delta populations**

Warren Lutz

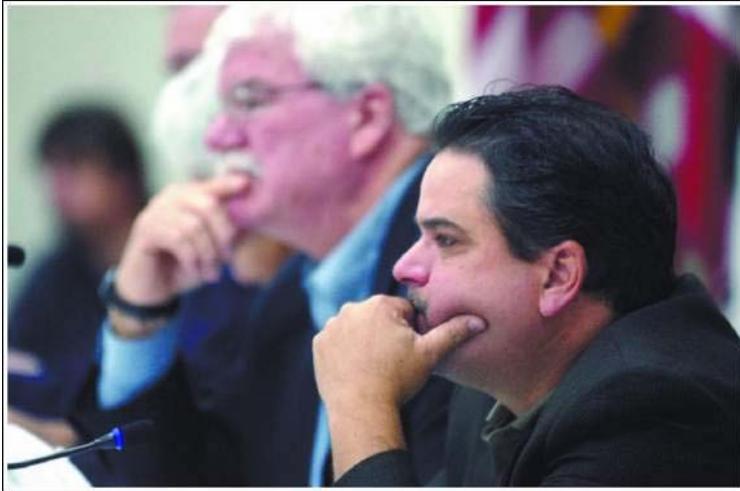
STOCKTON - A team of state and federal scientists struggled Monday to explain to federal lawmakers why several fish species are dying in the Delta.

"We still have a lot of questions we need to answer over the next couple of years," Department of Water Resources scientist Ted Sommer told five House Resources Committee members who met at the Port of Stockton.

Some lawmakers - and some attendees - had their own suspicions.

Species of threadfin chad, striped bass, longfin smelt and Delta smelt are at or near historic lows in the 1,000-mile estuary, prompting scientists earlier this year to study possible causes.

Their research so far has yielded three primary reasons or a combination of them: exports of Delta water to Southern California, pollution and invasive species that gobble native fish's food supply. They just don't know which problem is the biggest culprit.



Rep. Richard Pombo listens to testimony during a hearing over the crashing fish populations in the Delta held at Rough and Ready Island on Monday morning

With nearly \$2million spent on their quest last year, some lawmakers voiced frustration at not having solid answers.

"After all this time being under the microscope, you'd think we'd know more than we do," said Rep. Grace Napolitano, D-Norwalk.

About 23 million Californians drink Delta water, sent south from large pumps near Tracy to communities and farms. Napolitano's district lies in Los Angeles County, which she said gets one-third of the Delta's water.

"We benefit from everything you do up here," she said.

Rep. George Miller, D-Martinez, hammered the scientists with questions over those same exports.

Miller wanted to know why state and federal officials are planning to send even more water south as fish populations continue to crash.

"We can keep talking (about) sound science, ... but it's not followed," said Miller, a vocal environmentalist in Congress who last summer persuaded Rep. Richard Pombo, R-Tracy, to hold the fish-crash hearings.

Pombo chairs the Resources Committee and also represents part of the Delta region. He said in September that he planned to hold the hearings in California instead of a typical Washington hearing. The Resources Committee oversees much of the nation's environmental policy, including various wildlife agencies.

The scientists who testified Monday - representing the state Department of Water Resources, the U.S. Bureau of Reclamation, and state and federal wildlife agencies - reminded the legislators that they do research, not policy-making.

When important findings emerge, California Fish and Game Bay-Delta manager Chuck Armor said, "it will be made available as soon as it can make it up to our directors and out. ... They

make the call on what to do with it."

Pombo advised committee members to stick to the issues. "I did not want this hearing to become another round of finger-pointing," he said.

Some at Monday's event pointed fingers anyway.

A dozen anglers stood outside the hearing, protesting water exports. Some were members of groups that sued the National Marine Fisheries Service and the Bureau of Reclamation last year, claiming state and federal water operations were killing fish.

Mike McKenzie, vice chairman of the Bay-Delta chapter of the Federation of Fly Fishers, noted the scientists who testified worked for the same agencies that manage the water-export pumps.

"What we saw," McKenzie said, "was a bunch of government biologists constrained by the real-life politics of the issue."

## Associated Press

### **Wastage on delta assailed**

Don Thompson

STOCKTON - Frustrated members of Congress vented their anger at efforts to save California's most crucial water source on Monday, saying millions of dollars have been spent to study problems in the Sacramento-San Joaquin River Delta with little to show for it.

Water managers have spent 15 years "spending literally hundreds of millions of dollars, and billions of dollars in lost economic activity, and none of that has worked," U.S. Rep. Richard Pombo, R-Tracy, said during a field hearing focused on the delta's problems.

Pombo, chairman of the House Resources Committee and a critic of the federal Endangered Species Act, called the hearing to focus attention on the decline of four key delta fish species. The plight of the fish has raised concerns that the overall health of the vast estuary is being jeopardized by pesticides, agricultural pumping, invasive species and other problems.

The delta is the linchpin of California's water supply, draining 42 percent of the state's land mass and providing drinking water to two-thirds of the state. It also is the key water source for one of the nation's most fertile farming regions.

Scientific studies cost \$2 million last year and are projected to cost \$3.7 million this year in an attempt to find a cause for the historic drop in the number of delta smelt, striped bass, longfin smelt and threadfin shad.

Implementing steps to save those species could cost millions more, according to state water officials, and could disrupt plans to divert more of the delta's water for Central Valley agriculture and Southern California water agencies.

Criticism of the at-tempts to solve the delta's many problems - and reconcile the needs of the farmers, fishermen and municipalities that depend on it - was bipartisan during Monday's hearing.

"After all the time being under the microscope, you'd think we'd know more than we do," said U.S. Rep. Grace Napolitano, D-Norwalk.

She said answers are needed "not two years from now but hopefully this year."

U.S. Rep. Dennis Cardoza, D-Atwater, said blame has centered variously on the pumps that divert water to farmers and cities, on power plants, on invasive species, on a decline in the food chain and on toxic contamination. He said the lack of answers has been disappointing.

"Instead of seeing improvements, the problem seems to be getting worse," Cardoza said. "Shutting down the pumps has wasted money and water and time."

Fishermen, environmentalists and political opponents of Pombo also attended the hearing in this port city south of Sacramento and said water diversions are primarily to blame for the delta's environmental decline.

U.S. Rep. George Miller, D-Solano, criticized state and federal water managers for proposing an increase in pumping without first studying whether it will further damage the delta.

Biologists' previous recommendations to reduce pumping in an effort to save fish species have sometimes been ignored or delayed, said Miller, a former chairman of the committee.

"We really don't know yet" the effect of the pumping on fish, said Mike Chotkowski, a fisheries biologist with the U.S. Bureau of Reclamation, the agency that runs the federal pumps. "We're working on it."

The delta is a complex ecosystem with many annual variables in water flow, temperature, pumping and other factors, Ted Sommer, chief of the California Department of Water Resources' aquatic ecology section, said in response to the criticism leveled Monday.

"We still have a lot of questions that we need to answer over the next couple of years," he said.

San Francisco Chronicle

**No simple answer seen for drastic decline of delta fish: Federal hearing explores ways to address the problem**

Glen Martin

Stockton -- The sudden collapse of several fish species in the Sacramento-San Joaquin River Delta is likely a result of factors including water exports, pesticides, non-native species and even poisonous algae, government scientists testified Monday at a hearing of the House of Representatives Resources Committee.

The hearing, held at the Rough and Ready Naval Reservation in Stockton, follows last year's revelations that many of the delta's most important fish species, including the delta smelt, have all but disappeared. Debate over how to address the problem has pitted environmentalists and academic scientists against agribusiness and public water agencies.

A group of commercial and recreational fishing advocates picketed Monday's meeting, holding signs calling for reduced water exports from the delta to cities and farms in the southern half of the state.

"It's an economic as well as an environmental catastrophe," said Gary Adams, the state president of the California Striped Bass Association. "Since 1995, businesses related to delta fishing have lost \$4 billion -- boat dealers, marinas, restaurants, tackle shops -- everybody."

Some congressional members who attended the hearing favored further study of the problem, while others urged shelving pending plans to increase water exports to the South State.

"I understand it's a complex issue, but we can't just say it's complex and then keep demanding more studies while we continue to pump more and more water," said Rep. George Miller, D-Martinez.

Rep. Richard Pombo, R-Tracy, who chairs the committee and ran Monday's hearing, acknowledged that some delta fish species "are at an all-time low, but no one can responsibly say why. The easy way out is to finger-point to some policy or infrastructure hated by some groups. Throwing money at the cause of the month will not get us anywhere, either."

Pombo said he was concerned that 15 years of effort, which involved changing pumping schedules and spending millions of dollars on fish screens and other measures, had resulted in no net gain for the fish.

"None of it has worked, and we need to know why," Pombo said. "Whatever we decide to do will have a big impact on the delta, but it will also have a big economic impact on California."

Water from the delta irrigates hundreds of thousands of acres of San Joaquin Valley farmland and slakes the thirst of more than 20 million Californians. But environmentalists and many academic scientists maintain that the population crash of four key delta fish during the past few years -- delta smelt, longfin smelt, threadfin shad and striped bass -- is demonstrably linked to

reduced freshwater flows through the delta and San Francisco Bay.

The four species suffer, water export policy critics say, because restricted flows diminish the delta's biological productivity and because the giant pumps near Tracy, which move the water south, grind up many fish. But agency scientists said the issue is more complicated than that.

"This is a tough problem, and there is no simple answer or smoking gun," said Chuck Armor, the California Department of Fish and Game's Central Valley bay-delta branch operations manager. "More likely, there are multiple causes, and they may vary from species to species."

Miller took to task David Harlow, the assistant field supervisor for the Sacramento office of the U.S. Fish and Wildlife Service, for not directly addressing the impacts of water exports on the threatened fish.

Referring to a plan to conjoin the operation of the state and federal pumps at Tracy to send more water south, Miller asked Harlow why Fish and Wildlife didn't oppose the measure.

"You describe this as a very complex problem, but you wouldn't introduce more Asian clams, would you?" Miller asked. "You wouldn't introduce more herbicides, would you? But apparently, there is a move on the part of some agencies to increase water exports from the delta."

Harlow said he had been advised by his agency's legal counsel to avoid discussing the matter because the water export plan is under litigation.