

Central Valley Business Times



Local Guides

Tiny smelt finds big friends in Washington

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- Supreme Court refuses to hear farmers' appeal
- Appellate decision on water flow will stand



The tiny, minnow-like Delta smelt, which the state Monday revealed may have declined in numbers to near-extinction levels in the California Delta, found friends in high places a few hours after the state study was reported.



The U.S. Supreme Court has refused hear an appeal by San Joaquin Valley farmers of a March 2014 decision by the U.S. 9th Circuit Court of Appeals that a "biological opinion" issued in 2008 to protect the smelt from being sucked to extinction by the state and federal irrigation systems' pumps was valid.

It means guidelines will remain in place for managing water flows through the Sacramento-San Joaquin Delta at levels that protect the fish.

"Today's decision is good news for the thousands of fishermen, Delta farmers, and everyone who depends on the health of California's Bay-Delta estuary and its native fisheries and wildlife," says Kate Poole, litigation director of NRDC's Water Program. "After six years of hard fought litigation, today's court decision ends debate over the validity of these protections."

"The denial of Supreme Court review is a major victory for the preservation of the Endangered Species Act, which declares that the survival of a species cannot be outweighed by economic considerations," says Trent Orr, the Earthjustice attorney on the case. "In creating the Act, Congress declared the preservation of species to be the highest of priorities. The denial of review also vindicates the Fish & Wildlife Service's efforts to protect the smelt, rejecting a cynical attempt by the agriculture industry to

blame the effects of the drought on the fish."

The U.S. Fish and Wildlife Service issued a biological opinion in 2008 to protect Delta smelt. But it was challenged by farmers and water districts.

The NRDC says that even with the existing pumping restrictions, on average the state and federal water projects will divert as much water from the Delta as they did throughout the 1980s and 1990s.

The historic drought in California has been the overwhelming cause of low water supplies throughout the state in recent years, it says.

