

Comments of Michael Warburton, Executive Director of The Public Trust Alliance
regarding the Resolution authorizing funding for a Delta Smelt Refuge

December 4, 2007

Thanks very much for assembling some of the needed background for the very timely action of establishing a Delta Smelt Refuge to protect endangered fish in the Delta. It is indeed time for State and Federal authorities to collaborate more closely in protecting crucial ecological systems that ultimately support all of us. Establishing a refuge right now is a step the public should expect from a responsible trustee of resources managed for continued availability for public use and appreciation.

This Board should be more clear with the public that it has more than a continuing "commitment" to protecting fish in this state; it has a legal obligation to do so. And along with that general obligation of protecting fish for healthy use by future generations, it has broad authority to meet those trust responsibilities, which include both water rights and water quality actions. It's important to keep mentioning public trust rights and responsibilities so that they won't be so casually disregarded in the future as they sometimes have been in the past. We are actually on the brink of losing our public fisheries and we can't afford to have that point lost in a less understandable concern for "pelagic productivity."

Without public acknowledgement of your trust responsibilities and authority, many members of the public would never know this board was their legal trustee, managing our resources for our benefit, and for the continuing benefit of future generations. Could you please strengthen this resolution by including some note of these historic obligations and rights and your intent to defend them?

Thanks for your consideration of these comments.

Sincerely,

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