

California Sportfishing Protection Alliance



State Water Resources Control Board TUCP & Order Workshop

18 February 2015

We Told You What Would Happen!

- In early 2013, we predicted what would happen if the Board failed to enforce standards.
 - Result: FMWT Delta smelt abundance dropped by 57%, striped bass by 44%, salmon hammered.
- In early 2014, we predicted what would happen if you adopted the TUCP.
 - Result: Delta smelt abundance dropped another 50% (Spring Kodiak by 84%), Longfin by 90%, 95% of Winter-run killed.
- Today, we're telling you that, if the TUCP is adopted, disaster is likely and species may be pushed over the brink into a death-spiral of extinction.



SWRCB & Fish Agency Report Card

CDFW Fall Midwater Trawl Abundance Declines

Species	1967 v. 2014	67-71 v. 2014
Striped Bass	- 99.70%	- 99.40%
Delta Smelt	- 97.80%	- 98.90%
Longfin Smelt	- 99.98%	- 99.95%
American Shad	- 91.90%	- 86.40%
Splittail	- 98.50%	- 96.60%
Threadfin Shad	- 97.80%	- 96.25%

Native salmonids and lower trophic orders have declined by similar magnitude!

- CDFW, USFWS and NMFS have failed to protect fisheries and carry out their trustee responsibilities.
- The State Board has failed to protect and balance the Public Trust.



Drought is Normal

- **Drought is normal: no justification for waiving standards.**

1918-1920	1923-1926	1928-1935	1947-1950	1959-1962
1976-1977	1987-1992	2000-2002	2007-2009	2012-2014

Drought in California, 2012, Department of Water Resources

- Shasta, Oroville, Bullards Bar, Folsom and San Luis Reservoirs have 2.1 MAF more storage than last year (CDEC, 15 Feb.).
- Sacramento Basin precipitation is 89% of historical average (Oct-Jan, CDEC).
- Lawns in LA are green; almond acreage is being expanded.
- Standards already account for inevitable drought!



Workshops are Liar's Balls

- In non-evidentiary settings, advocacy science rules; i.e., Monsanto proved DDT safe, Dow proved CFC's don't affect ozone, Chevron proved global warming a myth, SWP & CVP are claiming relaxed standards won't harm fish.
- Only through a rigorous evidentiary proceeding, through testimony under oath subject to cross-examination and rebuttal, are truth and fact likely to emerge.
- Failure to conduct evidentiary hearings leads to the inescapable conclusion that the Board either doesn't care about facts or that it is fearful that the truth will prevent it from reaching a politically acceptable decision.
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- Example: Why did fish agencies not address unreasonable impacts to fish? Why did NMFS and USFWS provide concurrence despite acknowledged "uncertainties" and lack of "best available science?"



A Manufactured Crisis

- DWR and the Bureau's water rights are subject to a series of limitations, including seniority, area of origin and watershed protection and the public trust.
- Yet, they overpromised delivery and hawked water sales like Goldman Sachs hawks securities.
- And unsuspecting buyers mortgaged their futures on those promises without understanding that their contracts were for surplus water and would not always be available
- And many are now greatly suffering.
- The solution is not for this Board to legitimize DWR/Bureau's schemes but rather to bring demand into balance with actual supply while protecting the public trust.



What Will Be the Board's legacy?

- The Delta is a national treasure like the Everglades, Chesapeake Bay, the Great Lakes or Puget Sound.
- Its fisheries prospered over many thousands of years but now linger on the brink of extinction.
- It's a public trust asset – a common property right – owned by all Californian's.
- The present D-1641 standards, including the BiOps, are not protective and have chaperoned the estuary's collapse.
- In 2010 the Board found that substantial increase in outflow is necessary to protect public trust resources of the Delta.
- Already inadequate standards must not be further weakened.

