



Coalition for a Sustainable Delta

PRESS RELEASE

FOR IMMEDIATE RELEASE
January 29, 2008

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Coalition for a Sustainable Delta Files Lawsuit Regarding Striped Bass Sports Fishing Regulations

State Department of Fish and Game Sued Over Clear Violations of Federal Endangered Species Act

SACRAMENTO, CA – The [Coalition for a Sustainable Delta](#) today filed a lawsuit in federal district court against the California Fish and Game Commission (CFGC) and the California Department of Fish and Game (CDFG) for violating the federal Endangered Species Act (ESA). State sport fishing regulations protect the non-native striped bass, a known predator of several native endangered and threatened species including the Delta smelt. The state agencies were put on notice in late October of the Coalition's concerns with ongoing striped bass programs, however, the agencies failed to take corrective actions.

"We are taking legal action today to correct clear and continuing violations by state fish and game regulators that are harming the Sacramento-San Joaquin Bay Delta. Prompt action is necessary to prevent further decline of critical fisheries and to protect the state's environmental and economic health," said Michael Boccadoro, spokesperson for the [Coalition for a Sustainable Delta](#). "Fostering the destruction of thousands of native threatened and endangered species is a clear violation of the Endangered Species Act (ESA) and must be stopped. Allowing this destruction to continue when the populations of several of these species – including the Delta Smelt – are crashing is outrageous."

The non-native striped bass is widely recognized as a voracious predator that feasts on some of the most endangered native species in the Delta. The striped bass was introduced into the Delta region in the late 19th Century. Its population has fluctuated from a low of approximately 600,000 to a high of three million.

In the early 1980's the sports fishing industry successfully lobbied the State of California to enact legislation that created a striped bass fishing stamp. CDFG used the money raised by the stamp to support the striped bass population in the Delta. The hatchery program run by the state added more than 5.5 million striped bass to the Delta over the life of the restocking program.

The funds were also used to develop the *Striped Bass Restoration and Management Plan*. Consistent with the plan and CFGC policy, the Department continues to enforce "size" and "bag" limits for striped bass fishing in the state. Fishermen are limited to two fish and each fish must be at least 18 inches in length. The "bag" and "size" limits are designed to further the commission's official striped bass restoration goal of three million fish. These regulations, however, also effectively foster the demise of tens of thousands of native Delta fish that are protected under the ESA.

Striped bass prey upon four listed fish species: the Sacramento River winter-run Chinook salmon; the Central Valley spring-run Chinook salmon; the Central Valley steelhead; and the Delta smelt. While the salmon and the steelhead spend most of their lives in the ocean, they return to the Delta to spawn.

Unfortunately, the Delta smelt and other endangered fish provide a readily available food supply for the striped bass. According to CDFG's own estimates, each year up to six percent of the population of these endangered species are consumed by the striped bass – a fish that is not supposed to be in the Delta in the first place. Two federal agencies also readily acknowledged the problem. In its 2007 Recovery Outline, the National Marine Fisheries Service (NMFS) considers the striped bass as a threat to the salmon and steelhead. And the U.S. Fish and Wildlife Service (USFWS) is on record stating, "It is quite possible that at low population levels interactions with [striped bass] could prevent recovery (of the Delta Smelt)."

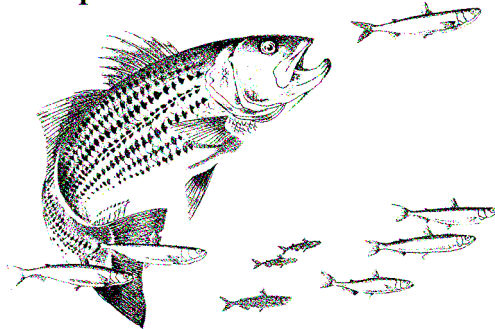
Recently, a federal district court in Fresno ruled that water deliveries to a majority of the state's residents, farms and businesses must be substantially reduced to protect the delta smelt. The California Department of Water Resources has estimated the court ruling will reduce water deliveries by 22-30 percent in average water years. A host of factors however continue to impact the estuary and contribute to the fishery decline. These "stressors" include toxic urban and agricultural run-off, thousands of unscreened in-delta diversions, increased discharge of municipal wastewater, industrial discharges and increased competition and predation from invasive species.

"Scientific research demonstrates that the health of the delta is at risk from a multitude of factors, including non-native striped bass preying on threatened and endangered native fish," said Boccadoro. "Unless and until all of these factors are addressed, long-term sustainability of the estuary cannot and will not be achieved. State and federal regulators and the courts cannot turn a blind-eye to these other factors while continuing to allow the water supplies for 25 million residents of the state to be sharply reduced."

The Coalition for a Sustainable Delta is working to address all of the stressors that impact the estuary through education, cooperation, research and, where necessary legal action. Mirant Delta LLC was put on similar notice for clear violations of the ESA in September, 2007 in connection with their operation of the Pittsburg and Contra Costa Power Plants. The Coalition has also launched a far-reaching research effort to better understand critical impacts on the estuary and has developed an educational video entitled *Understanding and Solving the Delta Crisis*.

Following is the cover of CDFG's *Striped Bass Restoration and Management Plan*, which depicts a striped bass preying on a school of Delta smelt.

Striped Bass



Striped Bass Restoration and Management Plan for the Sacramento - San Joaquin Estuary Phase I

September 1989

State of California
The Resources Agency
DEPARTMENT OF FISH AND GAME



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For a copy of the lawsuit and for more information, visit www.sustainabledelta.com

The Coalition for a Sustainable Delta is an ad hoc group of water users who depend on conveyance through the delta for a large portion of their water supplies. The Coalition is dedicated to protecting the delta and is committed to promoting a strategy to ensure its sustainability.

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