



ENVIRONMENTAL DEFENSE FUND

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June 23, 2008

The Honorable Lois Wolk, Chair
Assembly Committee on Water, Parks and Wildlife
1020 N Street, Suite 160
Sacramento, CA 95814

RE: SB 994 (Florez, Ashburn, and Steinberg) – Delta Smelt – OPPOSE

Dear Chairwoman Wolk and Members of the Committee:

Environmental Defense Fund appreciates the opportunity to write in strong opposition of Senate Bill 994 (Florez, Ashburn, and Steinberg), which would establish a Delta smelt hatchery. While we appreciate the authors attempt to address the significant decline in the Delta smelt population, we believe this bill does not provide an effective and proven approach to recover the species. For reasons outlined below, EDF believes this bill, as currently amended, will provide potentially more harm than good for the already threatened Delta smelt.

One of the most troubling aspects of the bill is the use of the hatchery as “mitigation bank” program for the purposes of meeting the requirements of the California Endangered Species Act. SB 994 requires the Department of Fish and Game to provide virtually unlimited take authorization for Delta Smelt to all banking partners. Such a requirement is in direct conflict with and undermines the core species protections of CESA and could put the fate of the Delta smelt in even greater jeopardy. Furthermore, while we support the establishment and maintenance of a genetic refugial population of Delta smelt, SB 994 intends to use a fish culture program to rear large numbers of Delta smelt for release into a threatened ecosystem, an approach that has not yet been proven to be effective for recovering species to sustainable levels.

SB 994 goes even further in circumventing necessary scientific evaluation by stating that a Delta smelt mitigation hatchery “shall be included as one of the actions incorporated into any state-adopted comprehensive ecosystem program,” thereby pre-determining the outcome of existing planning processes underway, such as the Bay-Delta Conservation Plan, to develop a long-term conservation strategy for the Delta. As a steering committee member of the BDCP process, EDF is actively engaged in the current development and analysis of draft conservation measures to help recover key species, such as Delta smelt. SB 994 would prematurely mandate that a Delta smelt mitigation bank hatchery be part of the final BDCP before necessary scientific analysis of the effectiveness of such a measure has been conducted.

For these key reasons, we oppose SB 994 because it does little to benefit the threatened Delta smelt and puts its fate in an unproven strategy. Further, this bill undermines existing efforts to address the long-term recovery of the Delta smelt in a comprehensive manner.

We respectfully request that you vote “NO” on SB 994 when it comes before your committee on June 24th.

Sincerely,

Ann Hayden
Senior Water Resource Analyst

