



There have been several developments in the Delta water saga since I posted on the [request for relief from water quality standards](#) submitted by the state Department of Water Resources and federal Bureau of Reclamation, and the potential for conflict between the water needs of smelt and of salmon.

First, the State Water Resources Control Board [has scheduled a hearing](#) on that request for Tuesday, Feb. 17. The California Sportfishing Protection Alliance [“vehemently opposes”](#) the requested waiver, and is urging its members to attend the hearing. The CSPA rejects the claim that a waiver is needed to protect salmon, noting that “pumping of massive amounts of water” to irrigators over the past two years is a key reason for this year’s low storage levels.

Second, a group of Republican state legislators, led by Sen. Dennis Hollingsworth (R-Murietta) have sent [a letter to Governor Schwarzenegger](#) “urging him to call upon the President and the Secretary of the Interior to convene” the Endangered Species Committee, better known as the “God Squad” to seek an exemption from the ESA for the Delta pumps. Congress created the God Squad after the Supreme Court declared, in *TVA v. Hill*, 437 U.S. 153 (1978), that the ESA prohibited completion of the nearly-finished Tellico Dam. The God Squad consists of the Secretaries of Agriculture, the Army, and the Interior, the Chairman of the Council of Economic Advisors, the Administrators of EPA and NOAA, and a representative of each affected state. The Secretary of the Interior may convene the God Squad at the request of a federal agency or a state governor, which is why the legislators are seeking help from Schwarzenegger.

The God Squad is not easy to invoke. In the 30 years since it was established, it has been convened only twice. The first time, in 1979, it considered two water projects, Tellico and Grayrocks Dams. It decided that Tellico did not merit an exemption, and although it issued one for Grayrocks it imposed stringent conservation requirements. The second time, in 1992, it issued an exemption for a group of timber sales in spotted owl country, but that decision was overturned on procedural grounds by the federal courts.

It seems unlikely that the God Squad will be convened over the Delta pumps, at least before conditions worsen substantially. The Bush administration, which was much more closely aligned with irrigation interests politically, resisted calls to convene the God Squad to ease restrictions on Klamath Project operations or on operation of the Columbia River dams. The Obama administration is unlikely to want to jump into such a charged proceeding at this stage, and Governor Schwarzenegger, who has made environmental protection one of his signature issues, is equally unlikely to ask.

So it is no surprise that Congressman George Radanovich (R-CA) last fall introduced a bill (H.R. 6940) to exempt the Delta pumping plants from the ESA during drought emergencies. That legislation went nowhere, and the prospects in this Congress are no better. Radanovich [ranted on the House floor](#) early this month that the stimulus package should include an ESA exemption for the Delta pumps, but to no avail.

The third piece of news deals with the science to support Delta decisions. Just as NRDC's Barry Nelson is [calling for more adaptive management](#) in the Delta, the Contra Costa Times [reports that more than \\$38 million intended for Delta research projects has been frozen](#) in the fallout from the state's budget woes. Adaptive management requires both information and the management flexibility to put that information to work. It can be done by comparing monitoring information to the current conceptual model of how the system works, but where the system is poorly understood (as still seems to be the case for the Delta, despite the scientific advances of the last few years), it would be a serious mistake to leave it at the mercy of those current uncertainties.