



Frequently Asked Questions About the Delta Smelt five-Year Review

What action is the Fish and Wildlife Service taking?

The Fish and Wildlife Service will undertake a five-year review for the delta smelt in connection with a partial settlement of two lawsuits, California Farm Bureau Federation v. U.S. Department of the Interior [Case No. 1:02CV02328 (D.D.C., Nov.22, 2002)], and San Luis & Delta Mendota Water Authority v. U.S. Department of the Interior [Case No. CIV-F-02-6461 REC DLB (E.D. Cal., Nov 22, 2002)]. Under the Endangered Species Act, the Fish and Wildlife Service is required to conduct a review of listed species at least once every five years. The delta smelt, which is found only in California's Bay-Delta Estuary, was listed as threatened in March 1993 (58 FR 12863).

What does this review entail?

It is an assessment of the delta smelt to determine whether its status has changed since it was listed in 1993. The review will consider all new available information concerning the population status of the species and the threats to it. The review will consider the best scientific and commercial information that has become available since the original listing determination, such as:

- species biology, including population trends, distribution, abundance, demographics and genetics;
- habitat conditions, including amount, distribution and suitability;
- conservation measures that have been implemented that benefit the species;
- threat status and trends;
- other new information, data, or corrections, including changes in taxonomy or nomenclature, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants; and improved analytical methods.

What are delta smelt?

Delta smelt are slender-bodied fish, about 2 to 3 inches long. They are in the Osmeridae family (smelts). They have a steely blue sheen on the sides and seem almost translucent. Smelts live together in schools and feed on small fishes and invertebrates.

Delta smelt are tolerant of a wide salinity range. They have been collected from estuarine waters up to 14 ppt (parts per thousand) salinity. For a large part of their one-year life span, delta smelt live along the freshwater edge of the mixing zone (saltwater-freshwater interface), where the

salinity is approximately 2 ppt.

Shortly before spawning, adults migrate upstream from the brackish-water habitat associated with the mixing zone and disperse widely into river channels and tidally-influenced backwater sloughs. They spawn in shallow fresh or slightly brackish water upstream of the mixing zone. Most spawning happens in tidally influenced backwater sloughs and channel edgewater. Although spawning has not been observed in the wild, the eggs are thought to attach to substrates such as cattails, tules, tree roots and submerged branches.

Delta smelt are found only from the Suisun Bay upstream through the Sacramento-San Joaquin River Delta in Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties. Their historic range is thought to have extended from Suisun Bay upstream to at least the city of Sacramento on the Sacramento River and Mossdale on the San Joaquin River. They used to be one of the most common fish in the upper Sacramento-San Joaquin Estuary.

Why is the Service doing a five-year review for the delta smelt now?

The delta smelt was listed in 1993. Comprehensive research and monitoring programs for this species have been carried out and are ongoing. As a result, there is a large body of new information available. Although this information has been made public, and the Service has continued to use the best available information under its ESA responsibilities, this information has not been fully evaluated under the ESA's five-year review requirement.

The Service has agreed to initiate the five-year review for the delta smelt at this time as a result of settlement negotiations on the two recent lawsuits.

Does the proposed settlement agreement lessen protections for the delta smelt?

No. All of the existing protections for the delta smelt will remain in place. If any changes are determined to be necessary after the review is completed, they will be made only after a formal rule-making process that includes public review and comment.

What will the delta smelt five-year review entail?

As agreed to in the proposed settlement, the review for this species will be completed by March 1, 2004. Under the proposed agreement, the five-year review will consider information that has become available since the original listing determination, such as population and demographic trend data; studies of dispersal and habitat use; genetics and species competition investigations; surveys of habitat amount, quality, and distribution; adequacy of existing regulatory mechanisms; and management and conservation planning information.

The review will also assess: a) whether new information suggests that the species' population is increasing, declining, or stable; b) whether existing threats are increasing, the same, reduced, or

eliminated; and c) if there are any new threats.

Who is responsible for doing a five-year review?

The Secretary of Interior and the Secretary of Commerce are ultimately responsible for conducting the five-year reviews of listed species. This responsibility has been stepped down to the U.S. Fish and Wildlife Service and NOAA Fisheries to assess the species for which they have jurisdiction.