

FLAVOR! NAPA VALLEY A CELEBRATION OF FOOD, WINE & FUN | November 17 - 20, 2011

Instant Access To Breaking News? Download the new SFGate.com app for Android™ and iPhone®

Smelt Supreme Court ruling goes against farmers

Bob Egelko, Chronicle Staff Writer Friday, November 4, 2011

PRINT E-MAIL SHARE COMMENTS (16)

FONT SIZE: - +

Delta smelt



Breeding season: From late winter to early summer. Fast growing, with majority of growth within the first 7 to 9 months of life. Food: Small organisms called zooplankton

Life span: 1 to 2 years Status: Threatened Size: 2-3 inches, but can reach 5 inches Habitat: Brackish waters in the Sacramento-San Joaquin River Delta

Source: California Department of Fish and Game The Chronicle

View Larger Image

MORE BAY AREA NEWS

- Quan: Occupy Oakland should organize, denounce violence 11.08.11
Killer who posed as utility worker pleads guilty 11.08.11
N-Judah problem fixed, service restored 11.08.11

SAN FRANCISCO -- The U.S. Supreme Court has denied an appeal by Central California farmers who claimed the federal government lacks constitutional authority to protect the imperiled delta smelt by limiting north-to-south water shipments.

15 Tweet 27 share

Three San Joaquin Valley growers challenged the government's use of the Endangered Species Act to protect a fish that exists only in California and has no commercial value.

But the Ninth U.S. Circuit Court of Appeals in San Francisco ruled in March that the law is constitutional because preserving rare wildlife from extinction is a form of economic regulation that is

part of Congress' constitutional power to regulate interstate commerce.

Courts around the nation have agreed that "the protection of threatened or endangered species implicates economic concerns," even for species found only in one state, the three-judge panel said. The Supreme Court denied review Monday without comment.

The Pacific Legal Foundation, a property-rights organization that represented the growers, said it would continue to fight restrictions on water shipments. "This is a long-term battle to stop federal intrusion that robs people of their livelihoods and liberties," said foundation attorney Brandon Middleton.

Jason Rylander, a lawyer with Defenders of Wildlife, said it was the sixth time that the high court had "rebuffed radical attacks on the constitutionality of the Endangered Species Act."

The case is Stewart & Jasper Orchards vs. Salazar, 10-1551.

E-mail Bob Egelko at begelko@sfnchronicle.com.

This article appeared on page C - 4 of the San Francisco Chronicle

PRINT E-MAIL SHARE

Tweet 15 27 share

Galleries 1-3 of 21



2011 Glamour Women of the Year Awards



Bold bows



LACMA Art + Film Gala

advertisement | your ad here

THINK ABOUT IT OUR KIDS ARE WORTH A HALF-CENT VOTE 'YES' ON PROPOSITION G! WWW.YESONPROPG.COM

MOST READ MOST E-MAILED MOST COMMENTED

- 1. Eric Schmidt defends Google, mourns Jobs' death
2. What's in a host? CMA Awards pros share secrets
3. Facebook's Zuckerberg Becomes Latest Harvard Dropout to Drop In
4. Obama Beats Romney on Extremism, Not Flip-Flops: Ramesh Ponnuru
5. Chevron pulling sponsorship of 'PBS NewsHour'
6. Foul play suspected in case of missing Wash. boy
7. Antioch man answered burglar's knife with gun

Get South Bay Daily Deal alerts.

email me

Today's Deal in South Bay

SnowBomb Ski & Snowboard Festival at Santa Clara Convention



SALE ENDS IN 35:26:51 SAVE 50% buy now!

sfgatedailydeals.com

FROM OUR HOMEPAGE