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BAYDELTA

CRANE-ASSISTED MIGRATION

The recent box office hit "Winged Migration" is a vivid visual reminder that migratory birds know no political boundaries—and that now, more than ever before, remaining wetlands are critical pit stops for these long-distance, feathered travelers. But some species are so endangered that they must be taught the old migration routes of their ancestors, and pilots must in turn be taught how to fly with birds. In the southern San Joaquin Valley, a handful of sandhill cranes are teaching human hang glider pilots to do just that. The lessons, hosted by the Siberian Migration Project, are based outside of Hanford, desirable as a training spot because of its level landscape and atmospheric thermals.

The sandhills, raised especially for training purposes, are preparing pilots to help restore the endangered Siberian crane to its Eurasian habitat. The Siberian Migration Project will use hang gliders, which catch thermals and travel faster than ultra-lights. Humans have made similar restoration efforts with Canada geese, trumpeter swans, and whooping cranes. William Sladen of the Airlie center in Warrenton, Va., used hot-air balloons and hang gliders to lead geese and swans with some success, but these birds have yet to establish their own migrations.

Known to insiders as "sibes," Siberian cranes (the most wetland-dependent of the world's cranes) populate three distinct flyways. The Eastern Flyway is the most populous, spanning Siberia to China; the Central Flyway bridges Uzbekistan and India; and the Western Flyway, focus of the Hanford project, connects central Russia and northern Iran via Azerbaijan. Siberian cranes have all but vanished from their Western route, and have disappeared completely from the Central Flyway. And though their Eastern Flyway numbers are respectable, China's Three Gorges Dam will impact the birds, making their future uncertain.

The Siberian Migration Project will begin by rebuilding the Western population, which will take many years. George Archibald, founder of the International Crane Foundation, says the project will attempt to reintroduce hand-raised sibes into the region if trial runs on the Western Flyway are successful and if conditions there "can be made safe for both humans and cranes."

Back in Hanford, the resourceful sandhill "trainers" are staying fresh in the valley heat. Pilots and cranes take evening walks in fields surrounding the farm where the project is sited. On a recent stroll, the birds

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Ink Blot Ruling Muddies Waters

Justices of the 9th Circuit Court of Appeals may not realize it, but they issued a Rorschach test in early June disguised as a ruling in the long-running dispute, *San Luis & Delta-Mendota Water Authority, Bay Institute v. United States*, over the interpretation of the Miller-Bradley Act.

The Circuit Court ruled that part of a February 2002 decision by Federal District Court Judge Oliver Wanger over the use of 800,000 acre-feet of water was in error. The water, as described in section 3406 (b)(2) of the act and known as (b)(2) water, is primarily designated for the restoration of fish, wildlife, and habitat as well as helping to meet water quality standards in the Bay and Delta, and to comply with the Endangered Species Act. The Circuit Court upheld the claim of environmental groups that the priority for the use of the (b)(2) water is to preserve and increase fish populations before other uses, but it also gave the Interior Department "discretion" within that hierarchy of uses. This makes for an opinion in which each party sees what it wants. No matter whom you ask — environmentalists, water users, or the government — the decision validates their position.

The Court dismissed an appeal by the water users who requested that the government use the severe drought years between 1928 and 1934 as the basis for calculating the amount of (b)(2) water. Users had argued that in instances of an incredibly wet year, the impact on them of dedicating the 800,000 acre-feet for the environment should be less than in normal or dry years.

At the same time, the court upheld the Wanger decision that locks in the method of accounting for (b)(2) water. Previously, the U.S. Department of Interior had not been counting as part of (b)(2) water the snowmelt and rainfall that refilled reservoirs after (b)(2) water was released. This resulted in 200,000 to 300,000 more acre-feet being used for competing "environmental" purposes—fish, wildlife, endangered species, and water quality. With the Wanger decision upheld, water districts can claim this water for their users.

"[Previous accounting] was very disturbing for farmers and users," says San Luis and Delta-Mendota Water Authority spokesman Tupper Hull. "A great deal more than 800,000 acre-feet was held back from farming for fisheries—at one point it was 1.2 million acre-feet. So water users are very happy."

Environmentalists are circumspect about the ruling. "It's mixed bag. We appealed on four issues, and we won on the most important issue," explains Cynthia Koehler, a consulting attorney with Environmental Defense. "Now [Interior] must change its (b)(2) policy."

The Miller-Bradley Act, also known as the Central Valley Project Improvement Act, touches some of the rawest nerves in the California water wars. Congress passed the act in 1992 during a time of multiple water crises including severe drought and large diversions by Golden State water users. What was clear to Congress at the time was that among agriculture and metropolitan users and the environment, the environment received short shrift in water allocation. The act was meant to address this inequity.

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