

Review of Low Flow Regulation Change Petitions



**Wildlife Resources Committee Meeting
September 20, 2018
Kevin Shaffer, Chief
Fisheries Branch**



Overview

- Timeline
- Coordination with petitioners
- Need for Russian River low flow regulation
- Russian River petition
- Need for changes North Central Coast streams low flow regulations
- Mendocino, Sonoma, and Marine County coastal streams petition
- Summary

Timeline

- 2013 – DFW and NMFS co-author proposed low flow fishing closure regulations (with stakeholder input and support)
- 2014 – Commission adopts proposed low flow regulations on Russian River and North Central Coast streams
- 2015 – Commission receives two petitions to amend the newly adopted low flow regulations
- 2017 – Commission directs Department to review petitions and meet with stakeholders

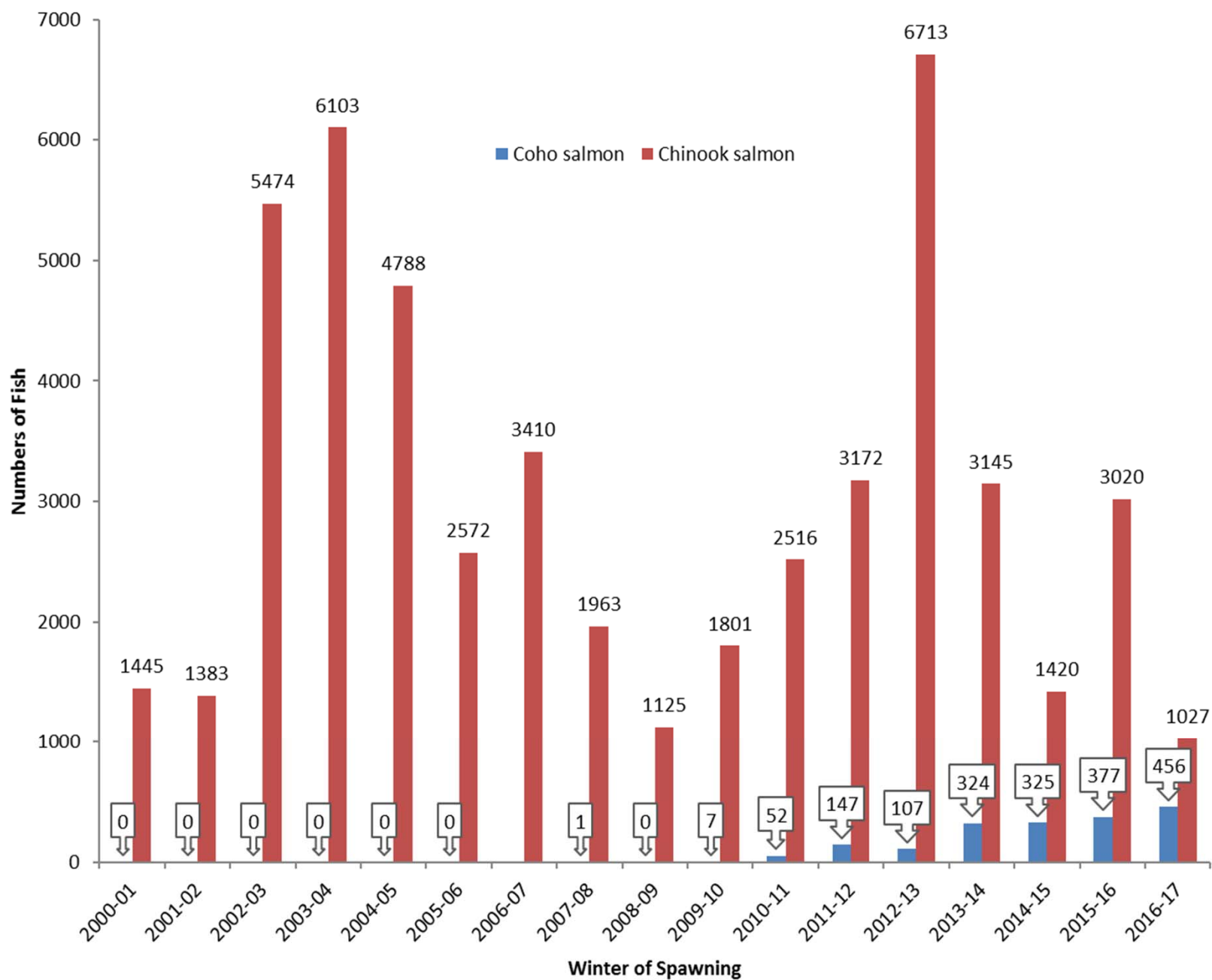
Coordination with Petitioners

- Meeting November 8, 2017
 - Meeting with both petitioners
- Meeting January 11, 2018
 - WRC meeting
- Meeting May 3, 2018
 - Russian River petition
- Meeting July 11, 2018
 - Mendocino, Sonoma, and Marin Co. coastal streams

Need for Low Flow Closure Regulation on Russian River

1. Minimize impacts to listed Coho Salmon and Chinook Salmon associated with angling; during the fall and spring fishing season
2. Overlap in run-timing of salmonids results in incidental catch of sensitive species – magnified during low-flow conditions
3. Increasing trend of Coho Salmon in the Russian River – higher probability of endangered species and angler interaction in the future
4. Climate change – potentially a higher frequency of severe low-flow conditions during the angling season

Russian River Adult Salmon Numbers



Russian River Petition

- Permit “catch and release” of all migratory species including hatchery fish
 - Allows targeted catch and release of CC Chinook Salmon and CCC Coho Salmon
 - Counteracts objectives and recovery actions identified in NMFS recovery plans for both species and the State Recovery Strategy for Coho Salmon
 - DFW supports the take of hatchery steelhead in the Russian River to reduce potential impacts to wild steelhead within the watershed and provide fishery harvest opportunity

Russian River Petition

- Permit a year-round restriction on the use of bait (artificial bait only permitted) and include current hook requirements such as barbless and single
 - Bait fishing for steelhead is a frequently used angling method
 - Bait fishing can be effective during higher river flow and cloudier water
 - Artificial lures are more effective during lower river flow and clearer water conditions
 - Removal of bait gear would significantly reduce a popular angling opportunity

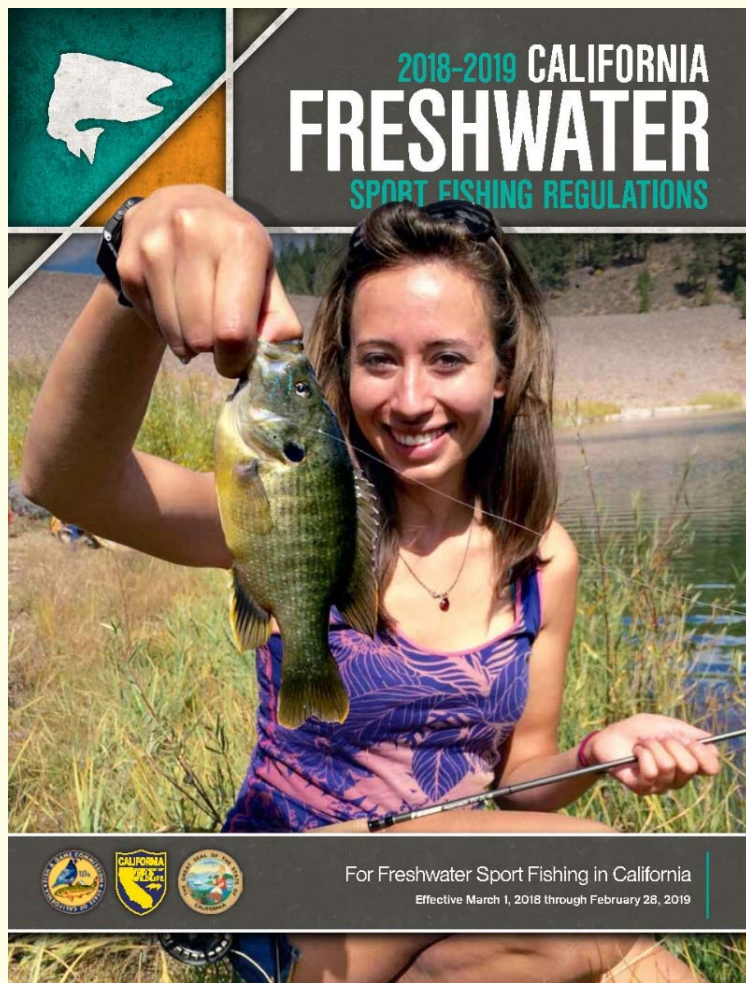
Russian River Petition

- Permit a year-round closure from the point of the CDFW Coho reestablishment monitoring project to the Pacific Ocean
 - The Russian River Coho Salmon Captive Broodstock Program is a collaborative partnership to recover Coho Salmon within the watershed
 - Lower Russian River Priority Areas for Coho Salmon encompass an area much larger than the proposed closed area
 - Low-flow management tool offers better protection to listed species than a spatial closure

Russian River Petition

- Open the Russian River to sport fishing all year with no minimum flow requirement
 - Would remove protections for listed salmonids from recreational fisheries during stream conditions that are adverse for the fish
 - Current regulation protects listed salmonids with low population levels while providing a steelhead fishery
 - Ample fishing opportunity was achieved; lost opportunity due to low flow occurred mainly in the early season before the peak in the steelhead run

Regulation Change



ARTICLE 4. SUPPLEMENTAL REGULATIONS

8.00 . Low-Flow Restrictions.

- (a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions.

From September 1 for the Mad River only and October 1 for all other streams through January 31, any of the stream reaches listed in subsection (1) through (7) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7); any of the stream reaches listed in subsections (1) through (7) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7); any of the stream reaches listed in subsections (1) through (7) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7). Notwithstanding this provision, the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination date. In addition, the department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (a)(1)-(7) of Section 8.00 is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination. The department shall make information available to the public by a telephone recorded message updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

- (1) The main stem Eel River from the paved junction of Fulmor Road with the Eel River to the South Fork Eel River. Minimum Flow: 350 cfs at the gauging station near Scotia.
- (2) The South Fork of the Eel River downstream from Rattlesnake Creek and the

Middle Fork Eel River downstream from the Bar Creek.

Minimum Flow: 340 cfs at the gauging station at Miranda.

- (3) Van Duzen River: The main stem Van Duzen River from its junction with the Eel River to the end of Golden Gate Drive near Bridgeville (approximately 4,000 feet upstream from the Little Golden Gate Bridge).

Minimum Flow: 150 cfs at the gauging station near Grizzly Creek Redwood State Park.

- (4) Mad River: The main stem Mad River from the Hammond Trail Railroad Trestle to Cowan Creek.

Minimum Flow: 200 cfs at the gauging station at the Highway 299 bridge.

- (5) Mattole River: The main stem of the Mattole River from the mouth to Honeydew Creek.

Minimum Flow: 320 cfs at the gauging station at Petrolia.

- (6) Redwood Creek: The main stem of Redwood Creek from the mouth to its confluence with Bond Creek.

Minimum Flow: 300 cfs at the gauging station near the Highway 101 bridge.

- (7) Smith River: The main stem Smith River from the mouth of Rowdy Creek to the mouth of Patrick Creek (tributary of the Middle Fork Smith River); the South Fork Smith River from the mouth upstream approximately 1000 feet to the County Road (George Tyron) bridge and Craigs Creek to its confluence with Jones Creek; and the North Fork Smith River from the mouth to its confluence with Stony Creek.

Minimum Flow: 600 cfs at the Jedediah Smith Redwoods State Park gauging station.

- (b) Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions.

From October 1 through March 31 as follows.

Any of the stream reaches listed in subsections (1) through (4) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (1) through (4).

Any of the stream reaches listed in subsections (1) through (4) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (1) through (4).

Any of the stream reaches listed in subsections (1) through (4) below shall be closed to

all angling from Saturday through Monday when the department determines that the flow on the previous Friday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (1) through (4).

Notwithstanding this provision, the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in the corresponding subsections (b)(1) through (4) before or on the next flow-determination date.

In addition, the department may reopen a stream at any time during a closed period if the minimum flow as specified in the corresponding subsections (b)(1) through (4) is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination.

The department shall make information available to the public by a telephone recorded message updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

The number to call for information is (707) 822-3164 for Mendocino County and (707) 944-5533 for Sonoma, Marin, and Napa counties.

- (1) All streams tributary to the Pacific Ocean (and its bays) in Mendocino County, except for the Russian and Gualala rivers. Minimum Flow: 200 cfs at the USGS gauging station on the main stem Navarro River near Navarro, CA.

- (2) All streams tributary to the Pacific Ocean (and its bays) in Sonoma and Marin counties, except for the Russian River. Minimum Flow: 150 cfs at the gauging station on the South Fork Gualala River near Sea Ranch (Sonoma County).

- (3) Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma counties), Laguna de Santa Rosa, and Santa Rosa Creek.

Minimum Flow: 300 cfs at the gauging station located on the main stem Russian River near Guerneville (Sonoma County).

- (4) The Napa River (Napa County) between Trancas Avenue in Napa and Oakville Cross Bridge near Yountville.

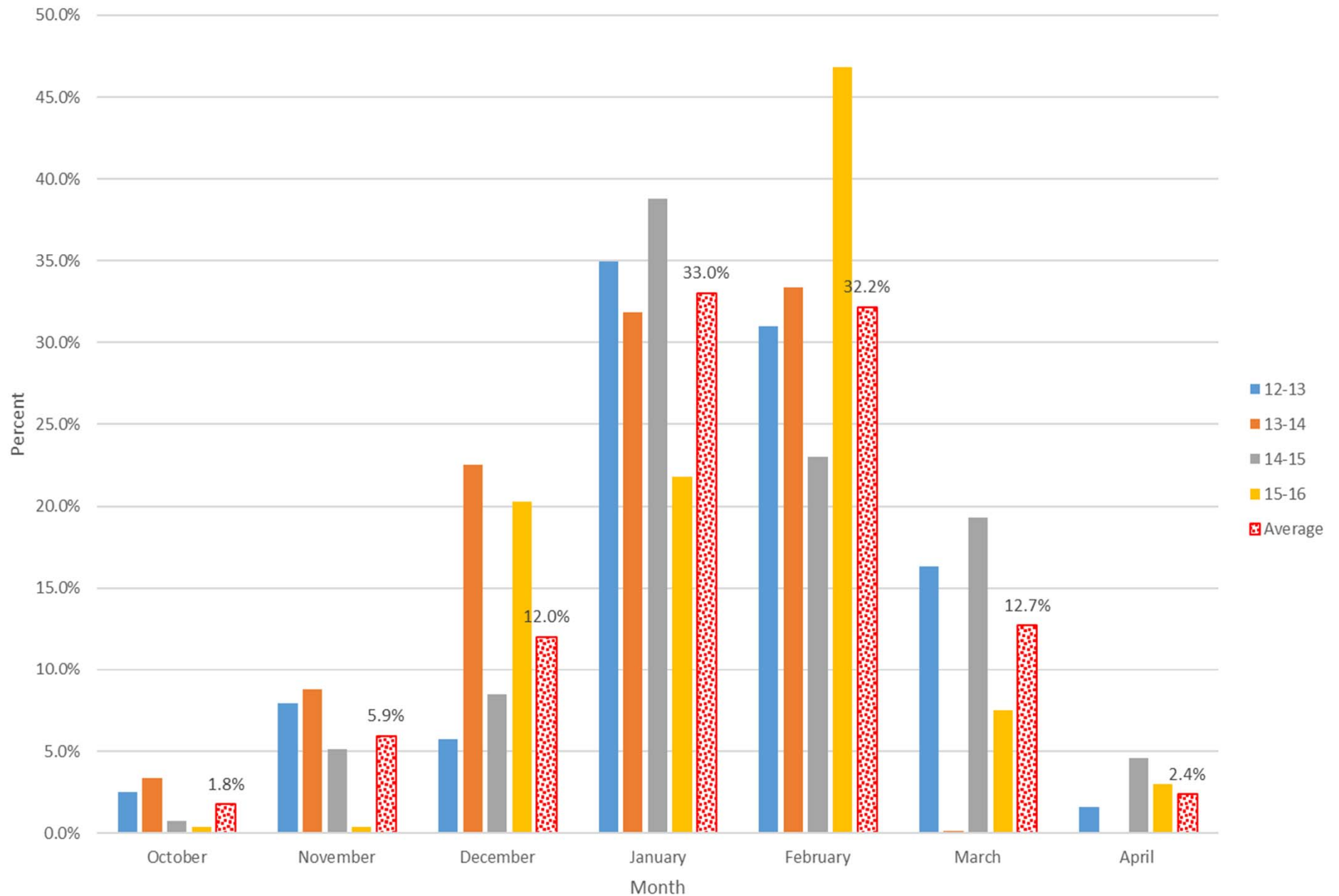
Minimum Flow: 15 cfs at the gauging station at the Oak Knoll Bridge on the main stem Napa River.

- (c) South Central Coast Streams - Special Low Flow Closures:

Number of Days Open to Fishing on the Russian River

- October 2015 thru April 2016 – 137 / 212
- October 2016 thru April 2017 – 187 / 212
- October 2017 thru March 2018 – 141 / 182

Percentage of Reported Steelhead Angler Effort for Russian River by Month
October through April



Recent Changes to North Central Coast Low Flow Regulations

- Regulations adopted December 2014
- Collaborative effort between NMFS, DFW, anglers, and Watershed Councils
- Prior to 2014, closures were based on regulated flows of the Russian River
- Use stream gauges on rivers that are more representative of these North Central Coast streams
- Provide angling opportunity and protect spawning populations during low flow periods

Coastal Streams Petition

- For Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River: **Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round**
 - Bait is only allowed November 1 – March 31
 - Bait fishing for steelhead is a frequently used angling method
 - Bait fishing can be effective during higher river flow and cloudier water
 - Prohibiting bait would significantly reduce a popular angling opportunity

Coastal Streams Petition

- For Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River: **Close streams to all angling from April 1 through October 31**
 - Fishing is currently closed in April and May
 - June thru October waters are open to catch and release of resident trout
 - Very little fishing and impact to native fish occurs during this time period
 - A closure would not provide significant additional protection to the fisheries resource and reduces fishing opportunity

Coastal Streams Petition

- Leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro during the low flow closure period
- Leave the Garcia River open to angling on the main stem below the Highway 1 bridge during the low flow closure period
- Leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala during the low flow closure period

Coastal Streams Petition

- Majority of closures occur prior to the onset of winters rains, coinciding with migration periods of listed salmon
 - Federally ESA-listed ***threatened*** California Coastal Chinook Salmon
 - Federally and state ESA-listed ***endangered*** Central California Coast Coho Salmon
- Ample fishing opportunity through the winter and spring periods was available to anglers
- Majority of closures occur between October and December, which are prior to the primary run timing for steelhead

Number of Days Open to Fishing on North Central Coast Streams

- Mendocino County
 - October 2015 thru March 2016 – 96 / 182
 - October 2016 thru March 2017 – 125 / 182
 - October 2017 thru March 2018 – 42 / 182
- Sonoma and Marin Counties
 - October 2015 thru March 2016 – 98 / 182
 - October 2016 thru March 2017 – 133 / 182
 - October 2017 thru March 2018 – 48 / 182

Summary

- DFW and NMFS will continue to evaluate the effectiveness of the low flow closures
- DFW will address gear and seasons on all coastal streams during development of pending statewide anadromous regulations
- DFW strives keep all waters of the state open to fishing as much as possible, while trying to balance protection of resources when they are vulnerable
- DFW strives to maintain a variety of angling opportunities

Questions / Thank You

