



September 2, 2011

Mr. Chad Dibble
Department of Fish and Game
830 S Street
Sacramento, California 95811

VIA U.S. MAIL AND E-MAIL
cdibble@dfg.ca.gov

Re: Yuba County Water Agency Comments on July 2011 Draft of *Ecosystem Restoration Program Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (Draft Conservation Strategy)*

Dear Mr. Dibble:

Yuba County Water Agency (YCWA) appreciates the opportunity to comment on the *Draft Conservation Strategy*. YCWA's comments are as follows:

Salmonid Passage Above Englebright Dam (pp. 101-102)

The *Draft Conservation Strategy* states that restoring salmonids' access to habitat above the U.S. Army Corps of Engineers' Englebright Dam:

would allow salmon and steelhead to utilize a considerable amount of historical habitat in the Yuba River system, primarily in the South and Middle Forks, and would have a substantial effect on restoration on a basin-wide level . . . Compared to other major Central Valley tributaries, the Yuba River has greater potential than most to reestablish access to a substantial amount of former habitat.

The *Draft Conservation Strategy*, however, does not consider the National Marine Fisheries Service's October 2009 *Public Draft Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-Run Chinook Salmon and Central Valley Spring-Run Chinook Salmon and the District Population Segment of Central Valley Steelhead (NMFS Draft Recovery Plan)*. The *NMFS Draft Recovery Plan* considers possible salmonid access above Englebright Dam in the context of all such possible restorations in the Central Valley and indicates that salmonid populations restored above existing dams should be considered "experimental populations" subject to tailored take regulations under section 10(j) of the federal Endangered Species Act. DFG's final *Conservation Strategy* should similarly analyze the value of implementing salmonid passage above Englebright Dam as only one component of a Central Valley-wide strategy and should expressly state that any salmonid

populations restored above Englebright Dam would be subject to take regulations that would reflect such populations' experimental status.

Lower Yuba River Water Temperatures (p. 109)

The *Draft Conservation Strategy* states:

In the Yuba River, water temperature is primarily affected by ambient air temperature and the temperature of releases from New Bullard's and Englebright Reservoirs . . . Water temperature below Englebright Reservoir is considered acceptable for salmonids; however, summer and fall water temperature below Daguerre Point Dam (12.5 miles downstream of Englebright Dam) may exceed suitable ranges for salmonids. (CALFED 2000a).

Since the publication of the cited 2000 CALFED report, YCWA, DFG, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service and several environmental groups developed the Yuba River Accord Fisheries Agreement, which proposed new streamflow requirements for the lower Yuba River. YCWA, DFG and several environmental groups signed the Fisheries Agreement in 2007. YCWA's Environmental Impact Report for the Proposed Lower Yuba River Accord (Accord EIR) found that implementation of the Fisheries Agreement's streamflow schedules would reduce water temperatures in the lower Yuba River during much of the summer and fall period and therefore would increase the times during which those temperatures would be suitable for salmonids. (See June 2007 Draft Environmental Impact Report/Environmental Impact Statement For the Proposed Lower Yuba River Accord (State Clearinghouse #2005062111), pp. 10-196 to 10-209.)

Following YCWA's certification of the Accord EIR, the State Water Resources Control Board approved and implemented the Accord's Fisheries Agreement by adopting Corrected Order WR 2008-0014. That Order inserted the Fisheries Agreement's streamflow requirements into YCWA's relevant water-right permit. Accordingly, since the publication of the 2000 CALFED report cited in the *Draft Conservation Strategy* as describing water temperatures in the lower Yuba River, the Yuba River Accord's implementation has improved temperature conditions for salmonids in that reach of the river. DFG therefore should add the following at the end of the text quoted above:

Since 2000, DFG, Yuba County Water Agency (YCWA) and other agencies and groups developed lower Yuba River streamflow schedules as part of the Yuba River Accord. YCWA and DFG signed a Lower Yuba River Fisheries Agreement that contained those streamflow schedules. In 2008, in Corrected Order No. 2008-0014, the State Water Resources Control Board implemented the Fisheries Agreement by amending YCWA's water-right permit to include those schedules. YCWA's implementation of those schedules improves temperature conditions for salmonids in the lower Yuba River. (YCWA 2007.)

The final *Conservation Strategy* should include the following as the citation for “YCWA 2007” in its References: Yuba County Water Agency et al. 2007. Draft Environmental Impact Report/Environmental Impact Statement for the Proposed Lower Yuba River Accord (State Clearinghouse #2005062111).

Conclusion

YCWA would like to thank DFG for the opportunity to comment on the *Draft Conservation Strategy* and respectfully requests that DFG revise the *Draft Conservation Strategy* to reflect YCWA’s comments.

Sincerely yours,



Curt Aikens
General Manager