

# Shasta River Restoration Progress

- ❖ Efforts by TNC to restore Big Springs Creek has resulted in much habitat available for salmonids.
- ❖ Much riparian protection completed in the upper Shasta and currently underway in Parks Creek
- ❖ 5 year TMDL review showed shift to improved water quality to Hwy A12.
- ❖ The only viable cohort progeny will be ready to outmigrate in Spring 2012. Shasta River Workgroup will be identifying ways to protect and assist with outmigration, if needed.
- ❖ Looking at ways to supplement coho numbers.

# Shasta River Coho Enhancement Workshop

February 15<sup>th</sup> - 16<sup>th</sup> \* Holiday Inn Express

**Shasta River Watershed Tour:** February 14<sup>th</sup> please RSVP

**Workshop Purpose:** The primary purpose of this workshop is to review existing information regarding the genetic diversity of Shasta River wild fish, Iron Gate Hatchery coho brood stock, and nearby populations of coho (including Upper Klamath and Scott River populations) and to reach agreement regarding appropriate brood stock source for any coho supplementation plan that may be implemented in the Shasta River. In addition, various coho salmon supplementation techniques will be reviewed and evaluated for efficacy of application in the Shasta River. It is recognized that other populations and/or cohorts of populations in the Upper Basin may require similar intervention efforts in the near future, so consideration will be given to these populations as well.

# Water Rights Workshop

January date TBD

- Many questions from landowners and others on the issue of water rights.
- There is a need to better understand California water code and answer questions regarding water rights.
- TNC has been taking the lead on initiating a 1707 application for instream flow use.
- Watermaster fees have increased dramatically. What is the possibility of acquiring rights to use for increasing flow?
- Water Trust getting positioned to acquire water if needed.

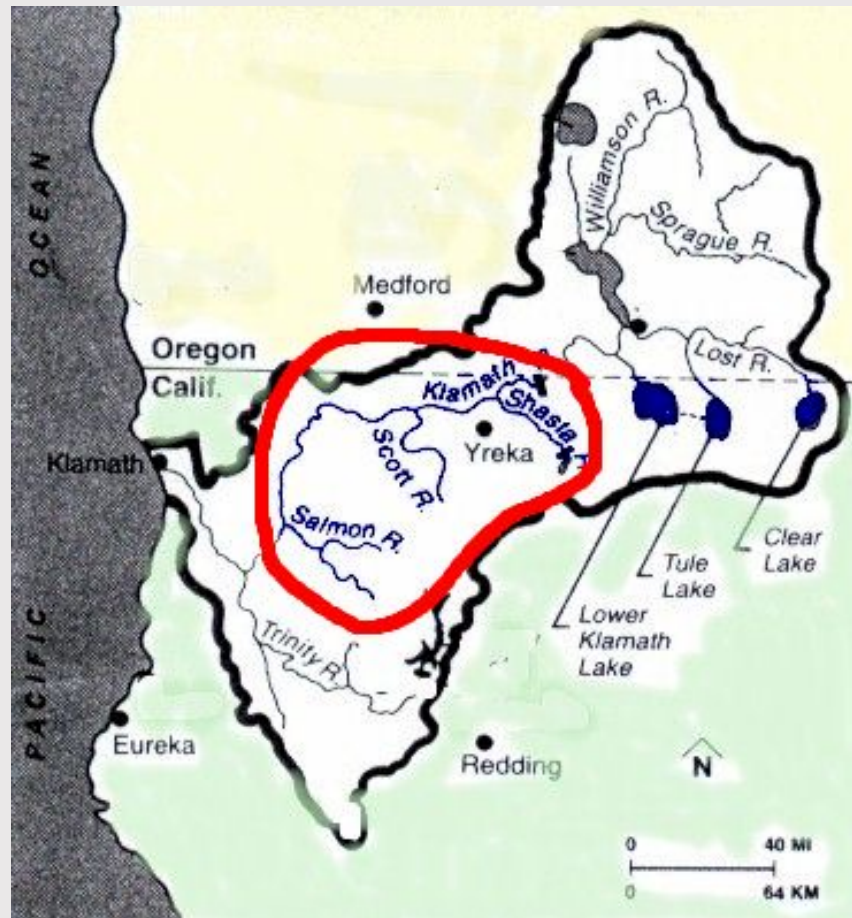
# Coho Incidental Take Permitting

*A CAUTIONARY TALE FROM SISKIYOU COUNTY*

CA Coho Recovery Team  
Meeting  
December 2011

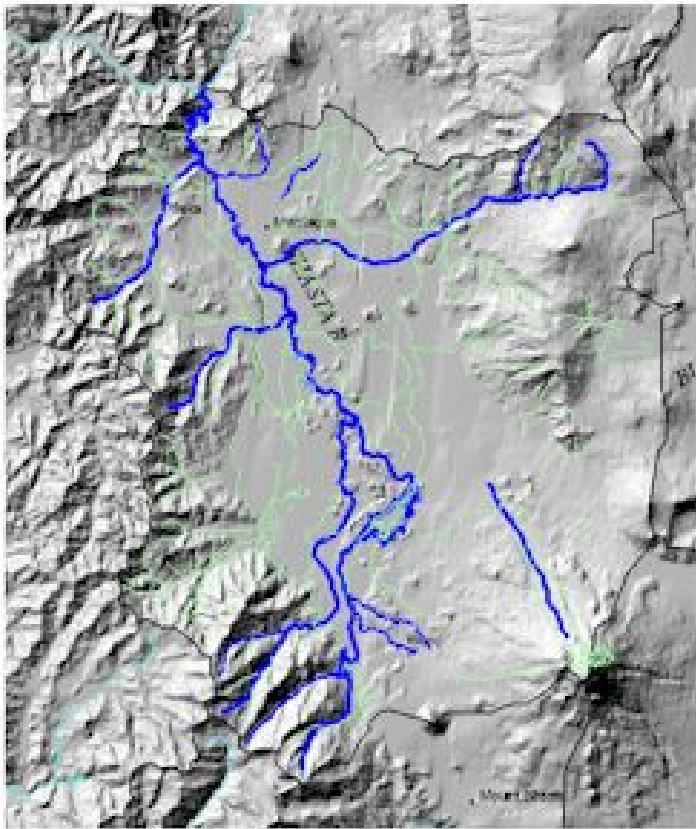


# Mid-Klamath Basin



# Shasta Valley Topography

ICE MAPS: Information Center for the Environment, UC Davis  
Shasta River Basin  
Shaded Relief



- Valley floor 2,500 to 3,500 feet in elevation ~ high desert
- Approximately 35 miles long
- Confluence with the Klamath River at river mile 177



**Agriculture = Hay, grain & cattle on 50,000 irrigated acres**

**The Shasta River is fully adjudicated and watermastered.**



# Why Develop a Watershed-Wide Permit Program?

- The Shasta – Scott Recovery Team (SSRT) plan, (incorporated into the State Coho Recovery Plan) required the development of a programmatic (voluntary) Incidental Take program (ranching community pushed for this program) that initiates coho recovery tasks while protecting and bringing agricultural operators into compliance with the California Department of Fish & Game Codes related to possible “take” of a listed species (coho salmon).



# Who Can Participate in the Permit Program?

An agricultural operator that:

1. Diverts water from a stream by means of an active diversion for agricultural purposes,
2. Is involved in an agricultural operation on property through which or adjacent to which a stream flows.

Department of Water Resources (or other entity) that would perform watermaster service.

*ITP only available for “otherwise legal” activities*

# Incidental Take Permits (ITP)

- Applications based on the coho recovery tasks identified in the Scott-Shasta Coho Recovery Plan were submitted by SVRCD on March 31, 2005
- SVRCD initiated periodic outreach to the community during program development
- Development of permitting documents and program structure – a long process...2005 to 2010

# ITP Program Structure

- The SVRCD will be program administrator and permittees for restoration work
- Contractual agreement between participants (sub-permittees) & SVRCD.
- DFG will issue permits to the sub-permittees
- 10 year term for permit with an adaptive management review during the 5<sup>th</sup> year

# Roles and Responsibilities

- SVRCD is responsible for Program Administration, all Mitigation, some Monitoring and the Annual Reporting.
- Sub-permittees are responsible for Avoidance & Minimization Measures, as well as some monitoring and reporting.
- SVRCD has no regulatory authority

# Covered Activities

1. Water Diversions
2. Water Diversion Structures
3. Fish Screens
4. Stream Access & Crossings
5. Fencing
6. Instream Structures
7. Riparian Restoration & Re-vegetation
8. Stream Gauges
9. Fish Passage Projects
10. Grazing Livestock
11. Water Management
12. Permit Implementation
13. Monitoring
14. Research

# Why Sign Up?

1. CEQA cost paid for...approximately  
\$400,000.00
2. 1600 permit fee paid for
3. Mitigation measures covered by the SVRCD
4. Landowner fees for administration and  
monitoring likely less than individual permit  
cost
5. Insurance for agricultural water users should  
“take” occur despite best efforts

# Streambed Alteration Agreement Program

- Section 1602 of the Fish and Game Code:
- *“An entity may not **substantially divert** or obstruct the natural flow of, or substantially change or use any material from the Bed, channel, or bank of any river, stream, or lake unless they “notify” the Department of Fish & Game. (currently awaiting court decision on this interpretation)*
- Therefore, diverters need a 1602 permit to be legal and/or eligible for ITP coverage. 1602 coverage was incorporated in pilot program.
- DFG decision not to issue 1602 permit to agricultural operator lacking some form of ITP coverage, effectively made ITP coverage mandatory.

# Challenges

- Lack of dedicated funding during program development.
- Staff and Board changes during program development
- Uncertainty of RCD's ability to secure grant funds for restoration activities now categorized as "mitigation"
- Mitigation measures may not be entirely achievable in the time available
- RCD uncomfortably close to a perceived enforcement role
- Uncertain costs to the RCD Board and staff to respond to potential lawsuits
- RCD program costs, as well as monitoring and reporting costs to be paid by the participants over the 10 year period
- Community backlash against RCD for taking on a




# The Downward Spiral

- Lawsuit filed against DFG
- Lawsuit amended to include RCDs
- Conflict of Interest (some RCD Board members had diversions)
- Fees/costs ~ equitable sharing across the watershed
- Community unrest ~ no longer a voluntary program
- FB lawsuit re: validity of 1600 for act of diversion
- Instream flow/bypass flows and differences between NOAA/DFG criteria
- More community unrest – Lots of pressure to move forward, but no community support from the behind the scenes power brokers ~ SOSS, BOS, etc
- Legal decision to set aside the permits
- Community distrust/loss of faith in the RCD

# Caution, Caution, Caution



- The risk with Conflict of Interest
- Program fees...fee for service???



If the goal is big  
enough,  
the facts don't matter!

# Program Status



WWPP Program set aside due to the lawsuit.

DFG has appealed the decision.

Farm Bureau lawsuit regarding the validity of the 1600 interpretation has been heard and is awaiting a decision by the judge.

# Where does all this leave Coho?

- Small coho numbers in the Shasta River.
- Community has been divided. Leaders have been destroyed by all that has happened.
- Coho perceived as a liability.
- No incentive to engage with the SVRCD to complete additional projects aimed at coho recovery.
- Agencies are perceived as “bad” and out to get landowners.
- Questionable support for a coho supplementation project being brought forward by Farm Bureau, Siskiyou County, The Nature Conservancy.

# Into the Future



Much enhancement for the benefit of salmonids would need to be done on private lands.

Private landowners are and will be the most important partner in protecting coho salmon and other species that depend on healthy rivers.

SSRT should be re-convened.

# The Big Dilemma ~

- How to protect landowners and others from potential “take” of listed coho.
- Current codes focus on permits for “projects”, which does not fit the ongoing activity of agricultural water diversion and irrigation.
- *What might be the appropriate type of program to offer incentives to agricultural operators for involvement in coho recovery tasks, while offering ITP protection?*
- *How can the various agency codes be melded to create a program that all can support?*
- *Is a Safe Harbour program the answer?*
- *A Habitat Conservation Plan?*

# Questions?

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