

State of California

Before the State Water Resources Control Board

Proposed Policy for Maintaining Instream Flows in Northern California Coastal Streams

Public Hearing of April 27, 2010

Comments by the California Fisheries and Water Unlimited

The California Fisheries and Water Unlimited have reviewed the public notice of the Adoption Hearing for the proposed Policy for maintaining instream flows in Northern California Streams. A hearing by the State Water Board is being held on April 27, 2010.

The California Fisheries and Water Unlimited request their comments are made part of the record for the Board decision in this matter.

The following are the comments of the California Fisheries and Water Unlimited:

1. The California Department of Fish and Game (CDFG) has been absent from the water right process in carrying out their trustee duties and responsibilities in ordering flows below dams and diversion in coastal streams to protect endangered Coho salmon species, threatened steelhead trout species, and also endangered Tidewater Goby species (coastal lagoons). For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.
2. The CDFG has been absent from enforcing the Steelhead Restoration and Management Plan of 1996 for California coastal rivers and inland waters. For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.
3. The CDFG has been absent from enforcing the California Fish and Game Code 5937 in requiring that all dam owners release water at all times to sustain California fisheries. For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.
4. The CDFG has been absent from enforcing the California Endangered Species Act in requiring adequate flows and habitat for

endangered and threatened anadromous fish species in coastal rivers and stream in California. For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.

- 5. The California Resources Agency has been absent from the water right process in carrying out their trustee duties and responsibilities in requiring the CDFG and the Board in ordering flows below dams and diversion in coastal streams to sustain and protect endangered Coho salmon species, threatened steelhead trout species, and also endangered Tidewater Goby species (coastal lagoons). Another reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**
- 6. The California Resources Agency has been absent in requiring the CDFG to enforcing and carryout the Steelhead Restoration and Management Plan of 1996 for California coastal rivers and streams and also in inland rivers. Another reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**
- 7. The California Resources Agency has been absent in requiring the CDFG to enforcing the California Fish and Game Code 5937 in requiring that all dam owners release water at all times to sustain California Fisheries. Another reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**
- 8. The California Resources Agency has been absent from requiring the CDFG and the Board in enforcing the California Endangered Species Act in requiring adequate flows and habitat for endangered and threatened fish species in coastal rivers and stream in California. Another reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**
- 9. US NOAA Fisheries has been absent from the water right process in carrying out their trustee duties and responsibilities in enforcing the federal Endangered Species Act in requiring the Board to order flows below dams and diversion in coastal streams to protect endangered Coho salmon species, threatened steelhead trout species, and also endangered Tidewater Goby species (coastal lagoons). Another reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California, including the federal government.**

- 10. US Fish and Wildlife Service has been absent from the water right process in carrying out their trustee duties and responsibilities in enforcing the federal Endangered Species Act in requiring the Board to order flows below dams and diversion in coastal lagoons to protect endangered Tidewater Goby species (coastal lagoons). Another reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California, including the federal government.**
- 11. The State Water Resources Control Board (Board) and its staff (Division of Water Rights) have been absent from balancing the uses of the waters of California in carrying out their trustee duties and responsibilities in ordering flows below dams and diversion in coastal streams to protect endangered Coho salmon species, threatened steelhead trout species, and also endangered Tidewater Goby species (coastal lagoons). For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**
- 12. The State Water Resources Control Board (Board) and its staff (Division of Water Rights) have been absent from enforcing the State of California Endangered Species Act and the California Fish and Game Code 5937 in ordering mandatory daily flows below dams and diversion in coastal streams in all water right permits, licenses, and petitions to protect endangered Coho salmon species, threatened steelhead trout species, and also endangered Tidewater Goby species (coastal lagoons). For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**
- 13. The Flow Policy being considered by the Board is extremely limited to a portion of coastal rivers and streams. This policy should be expanded to include all coastal rivers and streams in California north of the Mattole River to the Oregon border and south of the San Francisco Bay to the Mexican border. Some of the most important rivers where endangered Coho salmon and threatened steelhead have been abused by the Board and the State of California regulatory agencies and the US NOAA Fisheries are: Eel River; Klamath River; Trinity River; Redwood Creek; Russian River; Carmel River; Salinas River, San Lorenzo River; Santa Ynez River; Santa Clara River; Ventura River; Arroyo Grande Creek; and many, many others rivers and streams. For this reason California coastal anadromous fisheries are been ignored by the regulatory agencies of the State of California.**

- 14. The Board has ignored its duties and responsibilities as shown in the Mono Lake Decision to balance the uses of the waters of California for failing to order mandatory daily flow requirements to sustain endangered Coho salmon species and in their habitat, threatened steelhead species and their habitat, and also habitat for these species and also endangered Tidewater Goby species in California coastal rivers and streams with permitted water rights under the authority of the Board. The California Legislature must investigate and determine how many water right permits and licenses that have been issued by the Board and its staff (Division of Water Rights that do not have specific mandatory daily flow requirements and other protection measures to sustain endangered California coastal Coho salmon species, threatened steelhead species, and also endangered Tidewater Goby species (lagoons).**
- 15. California coastal Coho salmon species are near extinction because of the abuse of California and federal regulatory agencies for failing to protect these species. California threatened steelhead have also been abused by the California and federal regulatory agencies.**
- 16. The proposed Flow Policy must contain the following requirements in all stream environments under the regulatory authority of the Board to prevent the extinction of California coastal endangered Coho salmon and also the extinction of threatened steelhead trout and their habitat, including endangered Tidewater Goby species in the lagoon areas:**
- (a) Daily flow requirements that sustain spawning habitat;**
 - (b) Daily flow requirements that sustain rearing habitat;**
 - (c) Daily flow requirement that sustain resting habitat areas;**
 - (d) Daily flow that provide for food producing habitat;**
 - (e) Migration flows from the lagoons to spawning areas;**
 - (f) Migration flows from the rearing areas to the lagoons;**
 - (g) Daily flows into the lagoons to sustain the anadromous species and lagoon habitat;**
 - (h) Daily flows into the lagoons to sustain Tidewater Goby species and lagoon habitat;**
 - (i) Breaching of lagoons for the migrating of adults Coho and steelhead to the spawning areas;**
 - (j) Others not noted.**
- 17. All of the above comments and recommendation are based on my 40 plus years of experiences in dealing with the water rights process and the needs of California anadromous fisheries. I am not an attorney. I am not a fishery biologist; but I qualified as an expert in water right matters during the Bay Delta hearing in the 1990s.**

18. The appointments by the Governors for the State Water Board, California Resources Agency, and the California Department of Fish and Game have failed to sustain and protect California coastal endangered Coho salmon species and their habitat; steelhead species and their habitat; and also endangered Tidewater Goby species and their habitat. Clearly the appointment process must be changed so there is responsible leadership to carrying out the trustee duties and responsibilities before the people of California lose the entire salmon and steelhead fisheries to self-serving water politics.

I cannot attend the hearing of April 27th, 2010 because I am disabled.

Respectfully Submitted

Signed by Robert J. Baiocchi electronically

**Robert J. Baiocchi, President
California Fisheries and Water Unlimited
California Non-Profit Corporation**

Dated: February 22, 2010

Attachments

California Restoration and Management Plan for California; February 1996

Use It or Lose It: California Fish and Game Code 5937 and Instream Fishery Resources; 1980s; Joel C. Baiocchi; Volume 14; University of California at Davis.

References

Federal Endangered Species Act (US NOAA Fisheries and US Fish and Wildlife Service)

State of California Endangered Species Act (CDFG, California Resources Agency, and State Water Board)

Mono Lake Decision; (1983); (State Water Board)

California Fish and Game Code 5937; CDFG, California Resources Agency, and State Water Board)

All Water Right Permits and Licenses issued by the State Water Board on Coastal River and Streams (State Water Board and the Division of Water Rights)

Recovery of Salmon and Steelhead in California and Southern Oregon (US NOAA Fisheries)

Guidelines for Steelhead Flows (US NOAA Fisheries)

Habitat Protection Policy (US NOAA Fisheries)

Summer Dams (US NOAA Fisheries)

Fish Screens (US NOAA Fisheries)

Gravel Extraction Policy (US NOAA Fisheries)

Carmel River Lagoon Study Plan; Carmel River; (local, state, and federal agencies) – Not implemented due to the lack of actions by the SWRCB and its staff

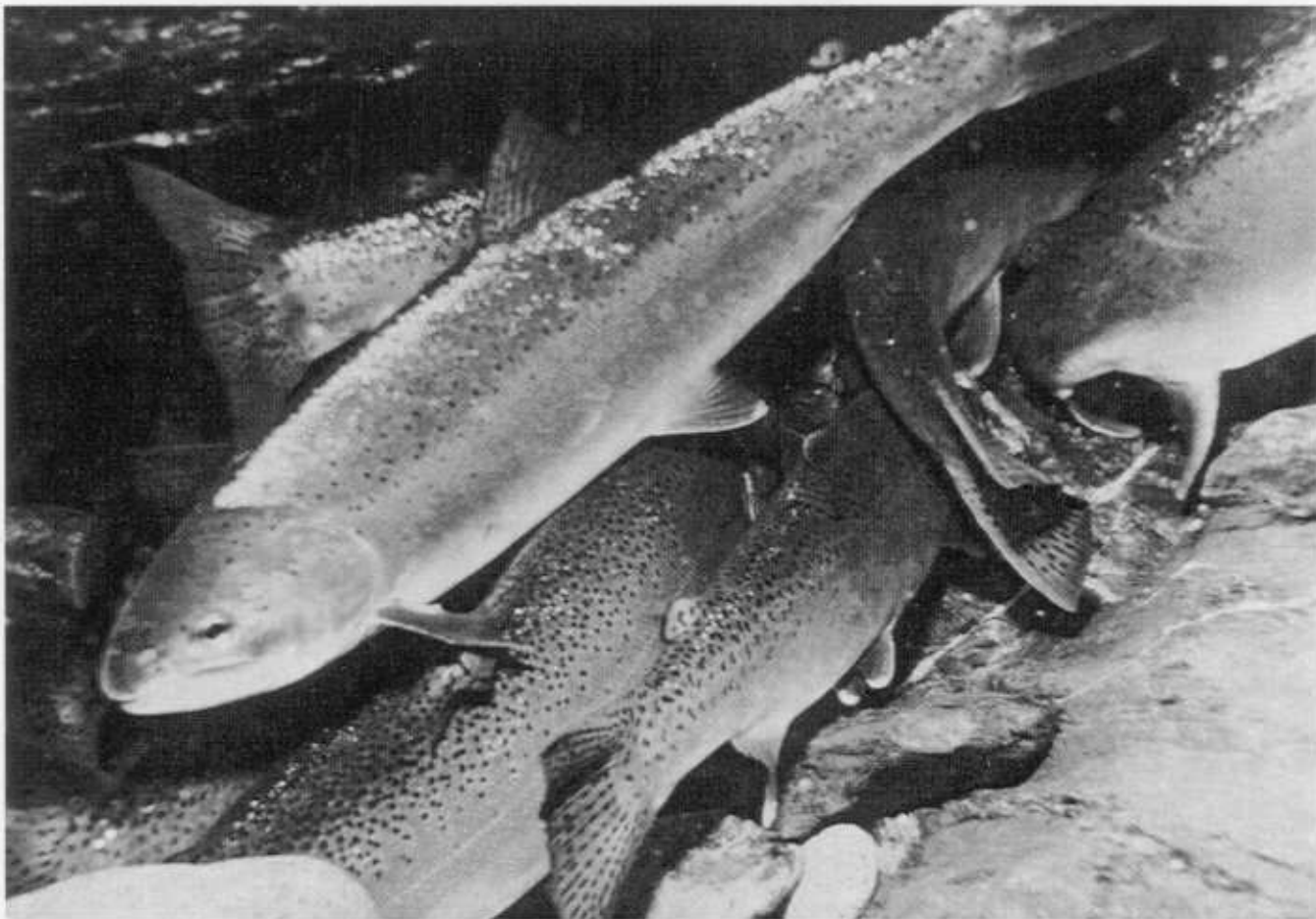
All water right decisions pertaining to the Carmel River and the lack of surface flows ordered by the Board to sustain the Carmel River Steelhead Fishery (State Water Board – CDFG – US NOAA Fisheries)

State of California Salmon and Steelhead Protection Policies (CDFG)

Others Not Noted

RJB/2/22/2010

STEELHEAD RESTORATION AND MANAGEMENT PLAN FOR CALIFORNIA



Summer Steelhead by Daniel W. Gotshall



DEPARTMENT OF FISH AND GAME

February, 1996



Cover: Summer Steelhead © Daniel W. Gotshall

State of California
The Resources Agency
Department of Fish and Game

STEELHEAD RESTORATION AND
MANAGEMENT PLAN
FOR CALIFORNIA

by

Dennis McEwan
Associate Fishery Biologist
Inland Fisheries Division, Sacramento

and

Terry A. Jackson
Associate Fishery Biologist
Inland Fisheries Division, Sacramento

Under the Supervision of

Forrest Reynolds
Assistant Chief
Inland Fisheries Division

and

Tim Curtis
Senior Fishery Biologist
Inland Fisheries Division

"...we must constantly keep in mind that variation, i.e., deviation from the norm is one of the most marked characteristics of animal life. And of the vertebrates, the trouts are among the most variable of all. Further, of the trouts the steelhead is one of the most variable forms."

Leo Shapovalov and Alan Taft, 1954

"...we do not imply that it is evil to enjoy lox, calamari, and caviar, for carnivory is not inherently immoral. It is only excess that is offensive to nature. And when we destroy the ability of species to survive and to maintain their ecological position, when we destroy their habitats and their capacity to evolve, that is excess."

Nelson and Soule, 1987

FOREWORD

On behalf of the California Department of Fish and Game, I am pleased to present our report, *Steelhead Restoration and Management Plan for California*. This document will serve as the blueprint for the Department's efforts to restore this prized, and oftentimes overlooked, resource.

Restoration of California's anadromous fish populations is mandated by *The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988* (SB 2261) which states that it is a policy of the State to significantly increase the natural production of salmon and steelhead by the end of the century. SB 2261 directs the Department to develop a program that strives to double naturally spawning anadromous fish populations by the year 2000.

Steelhead management is often included in, and sometimes lost within, management of the more economically important Pacific salmon. Recognizing this, several legislators along with prominent angling organizations urged the Department to incorporate a Statewide Steelhead Restoration Plan into the initial elements of the SB 2261 program. Thus, the development of the *Steelhead Restoration and Management Plan for California* (Steelhead Plan) has been an important feature of the SB 2261 program since its inception in 1988. Various organizations, principally California Trout, Inc. and Trout Unlimited, remain committed to assisting the Department in its efforts to recover steelhead populations and eagerly await the publication of the Steelhead Plan so that implementation of the identified restoration measures can begin. Many other angling and conservation organizations are committed to the Steelhead Plan and have corresponded with the Department during its development.

Governor Pete Wilson pointed out in his *Water Policy Statement* of April, 1992, the urgent need for a long-term, comprehensive water policy that includes safe, reliable water supplies for cities and farms and sufficient water to restore fish and wildlife resources. The goals and recommendations set forth in the Steelhead Plan are consistent with this latter aspect of the Governor's Water Policy. Because steelhead are present within the range of all other anadromous salmonid species in California, and because they use a greater portion of a particular river system than do other anadromous fish, restoration of steelhead habitat will have a salutary effect on many other anadromous fish species as well.

The Steelhead Plan is one in a series of documents developed by the Department to address the mandated doubling policy stated above. *Restoring Central Valley Streams, A Plan for Action* was published in 1993 and presents a multi-species approach to restoration of anadromous fish populations in the Central Valley. The Steelhead Plan dovetails with, and is an

integral component of, this Action Plan. The Steelhead Plan identifies the life history requirements and needs of an important element of Central Valley anadromous fish ecosystems.

The need to quickly develop and implement a statewide steelhead restoration plan was heightened by the precipitous decline of California's naturally spawning steelhead populations. A rough estimate of the total statewide population is 250,000 adults, less than half the population of 30 years ago. The major factor causing the steelhead population decline, as identified in this document, is freshwater habitat loss and degradation.

The decline of naturally spawning steelhead stocks has prompted the National Marine Fisheries Service (NMFS) to undertake a status review to determine if they warrant listing under the Endangered Species Act (ESA). Implementation of the Steelhead Plan will hasten recovery and may prevent more drastic actions mandated by the Federal ESA. The *Central Valley Project Improvement Act* is another Federal law that addresses restoration of naturally spawning steelhead stocks. The Act establishes funds and water for fish and wildlife restoration in the Central Valley and directs the Secretary of Interior to develop and implement a program to double the natural production of anadromous fish in Central Valley rivers and streams.

This plan is not a single species, stand-alone document that ignores other native aquatic organisms and other portions of the ecosystem. It provides guidelines for steelhead restoration and management that can be integrated into current and future planning for specific river and stream systems. It identifies requirements specific to steelhead and is intended to augment current anadromous fish restoration plans. The Steelhead Plan recognizes that restoration of California's steelhead populations requires a broad approach that emphasizes ecosystem restoration.

As an example of how the plan can be factored into other planning processes, the Department, along with the Resources Agency and several other agencies and organizations, has recently embarked on the *Coastal Salmon Initiative*, an ambitious plan to protect and restore salmon and steelhead habitat along the coastal areas of northern California. The Steelhead Plan identifies what is needed for steelhead in this area, yet does not provide specifics on how to accomplish these needed measures. Elements of the Steelhead Plan can be easily included in the *Coastal Salmon Initiative*, which will provide the specifics on how these restoration measures for steelhead can be accomplished. Thus, the two plans, rather than being two stand-alone plans that attempt to address the same problems, are dependent on each other.

Implementation of actions specified in the Steelhead Plan will reverse the decline in steelhead populations. Restoring California's steelhead populations would provide the following benefits to California citizens:

- In 1991, there were an estimated 99,700 steelhead anglers in California, which is substantially less than that estimated in the early 1980s. This decline in angler numbers mirrors the decline in steelhead numbers. A benefit of the project will be improved angling opportunities for steelhead and increased participation in the sport.
- Doubling California's steelhead populations would result in an estimated 37.5 million dollars annually to the State's economy from sport fishing revenue.
- Steelhead are an important component of the State's diverse wildlife heritage. They are a good indicator of the health of the aquatic environment because they require clear, clean water, and they use all portions of a river system. As such, they provide an important benefit to the quality of life for all California citizens.

Severe population declines, potential listing under the ESA, fulfillment of legislative mandates, and our Public Trust obligations argue for early implementation of the Steelhead Plan. As always, the overall success of our efforts hinges upon the encouragement and participation of the citizens of this State. The Department welcomes all suggestions from, and the involvement of, anyone that shares our view of a healthy, sustainable future for fish and wildlife in California.

C. F. Raysbrook
Interim Director

February 1996

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EXECUTIVE SUMMARY

Management Goals

Steelhead are an important and valued resource to California's citizens and are an important component of the vast biodiversity of the State. Like many of California's anadromous fish resources, steelhead are declining. Decline of steelhead populations is but one aspect of the present statewide decline in biodiversity, caused by California's burgeoning human population and the ever-increasing demand on natural resources.

This plan focuses on restoration of native and naturally produced (wild) stocks because these stocks have the greatest value for maintaining genetic and biological diversity.

Goals for steelhead restoration and management are 1) increase natural production, as mandated by *The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988*, so that steelhead populations are self-sustaining and maintained in good condition and 2) enhance angling opportunities and non-consumptive uses.

Strategies to accomplish these goals are 1) restore degraded habitat 2) restore access to historic habitat that is presently blocked 3) review angling regulations to ensure that steelhead adults and juveniles are not over-harvested 4) maintain and improve hatchery runs, where appropriate and 5) develop and facilitate research to address deficiencies in information on fresh water and ocean life history, behavior, habitat requirements, and other aspects of steelhead biology.

Status

Rough estimates place the total statewide population at 250,000 adults, less than half the population of 30 years ago. The decline of California steelhead appears to be part of a more prevalent coastwide steelhead decline. This decline has prompted the National Marine Fisheries Service to undertake a status review to determine if steelhead warrant listing under the Endangered Species Act. The major factor causing the decline in California is freshwater habitat loss and degradation. This has resulted mainly from three factors: inadequate stream flows, blocked access to historic spawning and rearing areas due to dams, and human activities that discharge sediment and debris into watercourses.

The historic range of steelhead on the north coast (north of San Francisco Bay) has not been reduced as drastically as it has in other areas of the State. Consequently, this area has the greatest amount of remaining steelhead habitat in the State and the most abundant populations. The Klamath-Trinity river system supports the greatest number of steelhead in California. However, these stocks have declined from an estimated run size of 283,000 adults in the early 1960s to about 150,000 in the early 1980s. Steelhead runs in north coast drainages are comprised mostly of wild fish, although the percentage of wild fish appears to

have decreased in recent years. Adverse impacts to north coast stocks are mainly from land-use activities, primarily timber harvest and agriculture, and water diversion, gravel mining, and predation by recently introduced squawfish.

Steelhead ranged throughout the tributaries of the Sacramento and San Joaquin rivers prior to dam construction, water development, and watershed perturbations of the 19th and 20th centuries. Populations have been most severely affected by dams blocking access to the headwaters of all the major tributaries, consequently, most runs are maintained through artificial production. The average annual run size in the Sacramento River system above the mouth of the Feather River in the 1950's was estimated to be 20,540 fish. The annual run size for the total Sacramento River system in 1991-92 was probably less than 10,000 adult fish. The decline of Central Valley naturally produced steelhead has been more precipitous than that of the hatchery stocks: numbers of wild steelhead above Red Bluff Diversion Dam (RBDD) on the Sacramento River have decreased from an average annual run size of roughly 12,900 in the late 1960's to approximately 1,100 in 1993-94. Wild stocks are mostly confined to upper Sacramento River tributaries such as Deer, Mill, and Antelope creeks and the Yuba River.

Southern steelhead (those occurring south of San Francisco Bay) were formerly found in coastal drainages as far south as the Santo Domingo River in northern Baja California and were present in many streams and rivers of southern California. Today, Malibu Creek in Los Angeles County is the southern most stream containing a known spawning population. Southern steelhead are the most jeopardized of all of California's steelhead populations. Population numbers have declined drastically in nearly all streams where they exist, and runs have been extirpated from many others. Of 122 streams south of San Francisco Bay known to have contained a steelhead population, 47% had populations with reduced production from historical levels and 33% no longer supported populations. Major adverse impacts to southern steelhead are from urbanization and water impoundment and diversion.

Watershed Protection and Restoration

Land-use activities associated with logging, road construction, urban development, mining, livestock grazing, and recreation have reduced fish habitat quantity and quality by changing streambank and channel morphology, altering water temperatures, degrading water quality, and blocking access to spawning areas. DFG supports recent initiatives to restore and maintain anadromous fish habitat on Federal and private lands.

Stream Restoration

There are many streams in California where water has been over-appropriated. The recent drought has shown that there is little water to spare for instream uses in many areas of the State. DFG utilizes several provisions and laws to protect and maintain instream flows for the benefit of fish and wildlife, although protection of instream flows is frequently inadequate. The Klamath River below Iron Gate Dam, the Sacramento River below Shasta

Dam, the American River below Folsom Dam, the San Joaquin River below Friant Dam, and the Santa Ynez River below Bradbury Dam are a few examples of former and present steelhead waters where severe environmental problems have resulted because of insufficient releases from reservoirs. Although there have been several favorable court decisions affirming the protection of fish and wildlife under the Public Trust Doctrine, those resources held in trust in many areas of the State continue to decline. DFG needs a more effective means to identify, maintain, and achieve adequate flows for steelhead throughout their range.

Further protections from suction dredging impacts may be necessary for some steelhead populations. Stream bank alteration permits for gravel mining should include measures to insure that public trust values are protected.

Estuaries can be important rearing areas for juvenile steelhead, especially in small coastal tributaries. Mechanical breaching of sandbars to drain lagoons and estuaries can have detrimental effects on survival of juvenile steelhead. Methods to allow regulation of lagoon water levels which alleviate the need for breaching need to be developed and implemented.

Increased development and incompatible land uses can negate existing protections for steelhead habitat. Therefore, acquiring lands to protect critical stream reaches should be a high priority. Priority should be given to acquisition of riparian lands that have water rights, stream reaches to support depressed native stocks, and estuaries.

Natural and Artificial Production

Although many artificial propagation programs have succeeded in producing fish for harvest, they have generally not produced a sustained increase in the abundance of wild fish or fully mitigated for water development impacts. There is evidence that impacts to wild populations from hatchery supplementation may be contributing to their decline. Two main concerns regarding the effects of hatchery supplementation programs on wild steelhead genetics are loss of genetic diversity and reduction in fitness to the natural environment.

Under State policy, natural production is the foundation for steelhead management and restoration. Artificial production will be limited to areas where it already occurs, where it is necessary to prevent the extinction of a native run, or where the native population has already become extirpated and the habitat is irrevocably altered.

Existing hatchery and rearing programs will be operated to minimize impacts to natural stocks to the maximum extent possible. To provide a solid foundation to begin managing to protect natural stocks, DFG needs a reliable means to differentiate wild fish from hatchery fish. For this reason, all hatchery production will be marked prior to release. The Stock Management Policy will be strictly adhered to by all agents of the DFG.

Angling

In 1991, there were an estimated 99,700 steelhead anglers in California. It is estimated that sport fishing revenues could generate an additional 37.5 million dollars per year to the State's economy if California's steelhead populations are doubled.

Limited information on steelhead sport harvest rates suggests that over-exploitation of wild stocks is not occurring on a widespread basis and is not causing the general decline, therefore, a statewide selective harvest regulation or an annual bag limit is not warranted.

Management Objectives

North Coast

Management focus will be on maintaining and increasing population abundance, with principal emphasis on naturally produced stocks. Management efforts will be directed toward minimizing the impacts from watershed disturbances, preventing new disturbances, restoring instream habitat, and increasing summer steelhead populations.

Population monitoring and implementation of new angling regulations and habitat protection measures are recommended to prevent further declines of summer steelhead populations.

Greater releases from Iron Gate Dam on the Klamath River are needed. A long-term flow evaluation on the Trinity River will be completed in 1996 and may result in increased releases for fish and wildlife. Watershed and stream restoration activities in the South Fork Trinity River need to be accelerated.

Steelhead production in the Scott and Shasta rivers is constrained by severely degraded habitat conditions from timber harvest and agricultural practices. Improved flows for anadromous fish populations in these rivers are needed.

DFG is developing a restoration plan for salmon and steelhead in the Eel River which will identify specific actions needed for steelhead restoration in this system. DFG and other agencies are investigating the effectiveness of controlling introduced squawfish populations through techniques such as gill netting and seining, electrofishing, explosives, and chemical treatments.

Habitat for naturally spawning steelhead in the Russian River system is severely degraded. Instream flow requirements for salmon and steelhead need to be determined. When the cumulative impact analysis of existing and proposed diversions is completed, DFG should make the appropriate recommendations to the State Water Resources Control Board (SRWCB) so that necessary instream flows are provided.

Central Valley

Management focus for Central Valley steelhead is to recover native and wild populations and restore hatchery-maintained runs.

The Sacramento River below Keswick Dam is beset with many of the ecological problems associated with highly regulated rivers. This river yields 35% of California's water supply and provides for the largest portion of the State's sport and commercial salmon catch. These two incongruous functions lie at the heart of California's present water controversy. Identified restoration measures for the mainstem include correcting fish passage and fish screening problems at the Glenn Colusa Irrigation District Diversion, Red Bluff Diversion Dam, and small agricultural diversions; rerouting the Colusa Drain; and cleanup of Iron Mountain Mine.

Mill, Deer, and Antelope creeks have the best potential of all Central Valley streams for restoring wild steelhead populations. These streams are similar in that they have relatively pristine, well-protected upper reaches with ample spawning and rearing habitat, and they suffer from inadequate flows in the lower reaches. A solution to inadequate flows in Mill Creek is being implemented: ground water is being exchanged for surface flows, with funds provided to the diverter to pay power costs for pumping. A monitoring program funded by *Steelhead Catch Report-Restoration Card* revenues was recently implemented in Mill and Deer creeks to assess adult steelhead numbers.

The Yuba River supports the largest, naturally reproducing population of steelhead in the Central Valley. DFG has recommended temperature and flow regimes to the SWRCB to maintain and restore the anadromous fisheries. DFG will continue to manage the Yuba River as a wild steelhead fishery.

The steelhead population in the American River is almost entirely supported by Nimbus Hatchery. Over the past decade the run has declined significantly, probably due to adverse water temperature conditions, rapid flow fluctuations, inadequate water releases from Nimbus Dam, increased CVP and SWP water exports, and the 1986-92 drought. Measures to restore steelhead populations include: adoption of adequate minimum flows and flow fluctuation standards by the SWRCB; establishment of a minimum storage level for Folsom Reservoir; and correcting the water temperature problem at Nimbus Hatchery.

Natural production of steelhead in the Central Valley will continue to be limited due to inaccessibility of the headwaters. A hatchery program needs to be implemented if restoration of steelhead is to be achieved for the San Joaquin River system.

South Coast

Management focus will be on recovering southern steelhead stocks from impending extinction and this will be the highest priority for DFG's steelhead management.

Water development has caused severe habitat impacts to the Carmel River, including dewatering, a broadening of the channel, and loss of riparian habitat. A new dam has been proposed to increase the water supply in the region. The SWRCB should require identified measures to restore and maintain the steelhead population and should retain jurisdiction over the dam project to ensure that public trust values are protected.

DFG will seek interim and permanent flow regimes from Lake Cachuma on the Santa Ynez River to restore steelhead runs that have been eliminated by water development. The feasibility of providing passage around Bradbury Dam should be investigated.

Constructing a fishway on the Robles Diversion Dam on the mainstem Ventura River would restore access to about 10 miles of spawning and rearing habitat. DFG should begin discussion with responsible agencies regarding the removal or modification of Matilija Dam to allow access to about 10 additional miles of headwater spawning and rearing areas on Matilija Creek.

Recent construction of a fishway on the Vern Freeman Diversion should restore access to Sespe Creek, the largest and most pristine tributary to the Santa Clara River. Results of fish trapping at the Diversion facility in 1994 indicate that a viable steelhead population still exists in the Santa Clara River. Instream flow requirements for steelhead need to be investigated.

The major obstacle to restoring the steelhead run on Malibu Creek is Rindge Dam, located about 2.5 miles upstream from the Pacific Ocean. DFG is currently investigating the feasibility of removing this dam.

Conclusion

Watershed restoration and protection, providing adequate streamflows, and restoring access to headwaters need to be the focal points for DFG's efforts to restore steelhead populations. Establishment of conditions, constraints, and practices which maintain watershed integrity and stream flows, and restoration of problem areas which continue to degrade or block aquatic habitat, are of the utmost importance to restoring steelhead populations.

Restoration of steelhead populations is intimately tied to the establishment of a new ethic for management of California's rivers and streams - an ethic that places a much higher priority on the continuance of essential physical, biological, and ecological processes in rivers that are regulated or proposed for development. Without this, aquatic habitat will continue to degrade, steelhead and other species will continue to decline, and there will be continued impasses on water usage and development.

PART I: INTRODUCTION



Half-pounder steelhead from the Klamath River.

PURPOSE AND GOALS

Steelhead rainbow trout (*Oncorhynchus mykiss*) were once abundant in California's coastal and Central Valley rivers and streams. Like many of California's anadromous fish resources, steelhead numbers are declining. Rough estimates place the total statewide population at about 250,000 adults, probably less than half of the population of 30 years ago. An accurate estimate of the statewide population is not available, but there are reliable estimates on select streams and rivers throughout the state. All populations for which there are good estimates show a declining trend.

The decline of California's steelhead populations is inextricably linked to the increase in the State's human population. Past and present development activities in rivers and watersheds, together with ever-increasing development of the State's water resources, have affected every river system and watershed in the State to some degree. The magnitude of these effects vary: the Smith River is fairly pristine, well protected, and has one of the healthiest steelhead populations in the State; the Carmel River, on the other extreme, did not flow to the ocean for four years during the recent drought because of surface diversions and excessive groundwater pumping, and its native steelhead population is at a critically low level. The recent six-year drought undoubtedly contributed to the decline of many populations, but most populations were already in decline prior to the onset of the drought. The drought also foreshadowed what may occur for fish and wildlife if excessive water development became a permanent feature on the California bioscape.

Efforts to manage steelhead and reverse this decline have been hampered by an acute lack of information, particularly status and basic life history characteristics of individual stocks. The need for information to manage commercial and sport harvest of Pacific salmon stocks has intensified in recent years. This has led to a redirection of the California Department of Fish and Game's (DFG) anadromous fisheries research and management to meet these needs. Consequently, steelhead research and management have been greatly reduced since the 1940's and 50's when DFG produced such classic studies as Shapovalov and Taft's (1954) life history study on Scott and Waddell creeks and Hallock et al. (1961) evaluation of stocking of hatchery-reared steelhead in the Sacramento River.

Restoration of California's anadromous fish populations is mandated by *The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988* (SB 2261) which states that it is a policy of the State to significantly increase the natural production of salmon and steelhead by the end of the century. SB 2261 directs DFG to develop a program that strives to double naturally spawning anadromous fish populations by the year 2000.

To ensure that steelhead management and restoration did not get lost within salmon management in this new program, several angling and conservation organizations urged DFG to establish a Steelhead Project. Thus, the Steelhead Management and Restoration Project was established in 1991. The purpose of this project is to assure the maintenance, restoration, and enhancement of California's steelhead stocks. The project is responsible for statewide coordination of DFG's steelhead management, research, and restoration activities. A high priority of the project is the development and implementation of the Steelhead Restoration and Management Plan. This document will be the blueprint for future DFG steelhead management and will provide direction for the restoration and maintenance of California's steelhead populations.

Restoration of California's anadromous fish populations requires a broad approach that emphasizes ecosystem restoration. Basin planning, which addresses problems and solutions on a stream system/watershed basis, is necessary to identify restoration activities within a particular stream system that will benefit the aquatic ecosystem and insure that measures to benefit one species do not damage others. For some areas of the State, planning efforts for anadromous fish restoration have been accomplished or are presently underway. In some river systems, specific restoration measures that will benefit steelhead populations have already been identified and are incorporated into this Plan.

This document provides guidelines for steelhead restoration and management, to be integrated into current and future planning processes for specific river and stream systems. It also identifies those needs specific to steelhead and is intended to augment current anadromous fish restoration plans. Specific action items are identified where urgency is needed to prevent the extirpation of wild populations. This document is not intended to be a plan that implements steelhead restoration measures at the expense of other native aquatic organisms and other portions of the ecosystem.

This plan focuses on restoration of native and wild stocks. It is these stocks which have the greatest value for the species as a whole, in terms of maintaining genetic and biological diversity. Also, several of California's native steelhead stocks have declined to such low levels that listing under the Endangered Species Act is likely unless actions are implemented now to prevent further declines.

Goals for steelhead restoration and management are 1) increase natural production¹, as mandated by *The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988*, so that steelhead populations are self-sustaining and maintained in good condition and 2) enhance angling opportunities and non-consumptive uses.

Strategies to accomplish these goals are:

1. Restore degraded habitat.
2. Restore access to historic habitat that is presently blocked.
3. Review angling regulations to ensure that steelhead adults and juveniles are not over-harvested.
4. Maintain and improve hatchery runs, where appropriate.
5. Develop and facilitate research to address deficiencies in information on fresh water and ocean life history, behavior, habitat requirements, and other aspects of steelhead biology.

Successful accomplishment of these goals will require that adequate monitoring and assessment activities are implemented to collect baseline information, assess population trends, and evaluate success of restoration activities.

¹ For purposes of this report, the following definitions are used:

Native stocks: those populations that are indigenous to a specific river system or stream.

Natural or Wild stocks: those populations that are self-sustaining and which spawn naturally, regardless of origin.

Natural production: Fish production from natural (in-river) spawning and rearing.

Artificial or Hatchery production: Fish production from hatchery or rearing facilities.

CURRENT MANAGEMENT AND POLICIES

With the passage of the *Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988*, management emphasis has been placed on restoration of depleted natural stocks. Programs currently in place to help restore steelhead populations consist chiefly of projects to restore habitat. Current management direction is provided by several Fish and Game Code sections, Fish and Game Commission (FGC) Policy, and DFG policies.

Salmon, Steelhead Trout, and Anadromous Fisheries Program Act

This Act was passed by the California legislature, signed by Governor Deukmejian, and chaptered into the Fish and Game Code in 1988 (Section 6900 et. seq.). Its intent was to implement the recommendations of the California Advisory Committee on Salmon and Steelhead Trout (CACSSST) to conserve and restore the anadromous fisheries resources of the State. The CACSSST is a citizen's advisory committee created by the state Legislature in 1983 to develop a strategy for the conservation and restoration of salmon and steelhead resources in California. It consists of representatives from commercial and sport fishing organizations, native Americans, aquatic scientists, and public interest groups. The Act established the Salmon and Steelhead Trout Restoration Program within DFG, whose purpose is to "develop a plan and program that strives to double the current [1988] natural production of salmon and steelhead".

The legislation also found that:

- Natural production of steelhead had declined, primarily as a result of lost stream habitat, and much of the loss has occurred in the Central Valley.
- Protection and enhancement of the naturally spawning salmon and steelhead would provide a valuable public resource to residents and would have a large statewide economic benefit.
- Proper salmon and steelhead resource management requires maintaining adequate levels of natural, as compared to hatchery, spawning and rearing. Reliance upon hatchery production of salmon and steelhead is at or near the maximum percentage that it should occupy in the mix of natural and artificial hatchery production in the State. If both hatchery production and natural production are feasible alternatives for increasing salmon and steelhead numbers in specific situations, preference shall be given to natural production.

- Protection and restoration must be accomplished primarily through the improvement of stream habitat.

The Act also declared that it is a policy of the State:

- to significantly increase the natural production of salmon and steelhead trout by the end of this century.
- to recognize and encourage the participation of the public in mitigation, restoration, and enhancement programs in order to protect and increase natural spawning salmon and steelhead resources.
- that existing natural salmon and steelhead habitat shall not be diminished further without offsetting impacts of the lost habitat.

The development and implementation of this management plan is authorized pursuant to this Act.

Steelhead Rainbow Trout Policy

This policy of the California Fish and Game Commission (FGC) was recently updated and amended. The policy recognizes the need to protect genetic integrity and habitat of all stocks and places management emphasis on natural stocks. The policy declares:

- Management of steelhead will be directed towards protection and maintenance of populations and genetic integrity of all identifiable stocks.
- Juvenile steelhead rescued from desiccating streams must be returned to their natal stream. Steelhead rescue will only be allowed when fish can be held until habitat conditions improve or they can be released immediately in other areas of their natal stream.
- Restoration and acquisition plans will be developed and implemented to safeguard critical habitats such as estuaries, lagoons, and spawning and rearing areas, and to secure necessary instream flows.
- Existing steelhead habitat shall not be diminished further without offsetting mitigation of equal or greater long-term habitat benefits. DFG will oppose any development or project which will result in irreplaceable losses. Artificial

production will not be considered appropriate mitigation for loss of wild fish or their habitat.

- Sport fishing for adult and juvenile steelhead will only be permitted where DFG has determined that harvest will not harm existing wild populations or impair adequate returns of adults for sport fishing and spawning.
- Resident fish will not be planted in drainages of steelhead waters if DFG has determined that it will interfere with steelhead populations.

Salmon and Steelhead Stock Management Policy

It is the policy of DFG to maintain the genetic integrity of all identifiable stocks of salmon and steelhead in California. Each salmon and steelhead stream shall be evaluated by DFG and the stocks classified according to their probable genetic source and degree of integrity.

A classification system shall be employed to define stocks and the role of artificial production for the management of each salmon and steelhead stream. This classification system will guide management and restoration efforts, and policies relating to artificial production will also be compatible with this classification system.

The salmon and steelhead stocks stream management goal shall manage streams for the following appropriate stock and only those stocks may be placed in the stream (each term is progressively inclusive of the preceding terms):

1. Endemic - Only historical naturally reproducing fish originating from the same stream or tributary.
2. Naturally reproducing stocks within drainage - Naturally reproducing stocks from the drainage of which the stream is part.
3. Hatchery stocks within basin - Stocks which may include hatchery produced fish from streams within the drainage.
4. Naturally reproducing stocks from out of basin - Naturally reproducing stocks from streams outside the basin of which the stream is part.
5. Hatchery stocks out of basin - Stocks which may include hatchery produced fish from streams outside the basin.

6. Any stock - Any stock which appears to exhibit characteristics suitable for the stream system.

Artificial production limitations shall be defined according to the following terms:

1. None - No artificial production or fish planting permitted; management shall be for natural production.
2. Supplementary - Artificial production is less desirable than natural production and is allowed only to the extent that it provides for full stocking of the stream.
3. Complementary - Artificial production is as important for fishery management purposes as natural production and may be used on a permanent basis to complement natural production.
4. Hatchery - Managed principally for hatchery production with natural production protected but considered secondary.

Trout and Steelhead Conservation and Management Act of 1979.

This Act declares that it is a policy of the State to:

- 1) Establish and maintain wild trout and steelhead stocks in suitable waters of the state.
- 2) Establish angling regulations designed to maintain wild trout and steelhead through natural production.

Wetlands Resources Policy

This policy of the FGC seeks to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California and to strongly discourage development or conversion of wetlands. The FGC opposes any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. The FGC also will oppose development proposals unless project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Primary consideration for compensation for adverse impacts will be given to *in kind, on site* mitigation.

Cooperative Salmon and Steelhead Rearing Facilities and Cooperatively Operated Rearing Programs For Salmon and Steelhead Policies.

Section 1200 et. seq. of the Fish and Game Code authorizes DFG to enter into agreements with counties, nonprofit groups, and private persons for the management and operation of rearing facilities for salmon and steelhead. All such agreements shall be in accordance with the policies of the FGC and the criteria of DFG which govern the operation under such agreements. The purpose of the rearing facilities is to provide additional fishing resources and to augment natural runs. This section also authorizes DFG to provide surplus eggs and fish to the rearing facility. This section prohibits the release of fish reared at these facilities into waters south of Point Conception because ocean conditions, primarily water temperatures, are not conducive to salmonid survival in most years.

The FGC policy on *Cooperatively Operated Rearing Programs* states that the bulk of the State's salmon and steelhead resources shall be produced naturally and that the State's goals of maintaining and increasing natural production take precedence over the goals of cooperatively operated rearing programs. This policy also requires that:

- only those fish surplus to the needs of DFG's programs shall be utilized and allocation shall be based on past performance and DFG's evaluation of the potential of proposed new programs.
- a written proposal and a five-year management plan must be submitted to DFG for evaluation and approval.
- fish raised in these programs shall not be stocked in, or broodstock captured from, waters where DFG has determined that adverse effects to native fish populations or other aquatic species may result.

OVERVIEW OF STEELHEAD BIOLOGY

LIFE HISTORY

Steelhead are the anadromous form of rainbow trout, a salmonid species native to western North America and the Pacific coast of Asia (Fig. 1). In North America, steelhead are found in Pacific Ocean drainages from southern California to Alaska. In Asia, they are found on the east and west coast of the Kamchatka Peninsula, with scattered populations on the mainland (Burgner et al. 1992). In California, known spawning populations are found in coastal rivers and streams from Malibu Creek in Los Angeles County to the Smith River near the Oregon border, and in the Sacramento River system. The present distribution of steelhead in California has been greatly reduced from historical levels (Fig. 2).

Steelhead are similar to some Pacific salmon in their ecological requirements. They are born in fresh water, then emigrate to the ocean where most of their growth occurs, and then return to fresh water to spawn. Unlike Pacific salmon, steelhead do not necessarily die after spawning. Post-spawning survival rates are generally quite low, however, and vary considerably between populations.

In California, most steelhead spawn from December through April in small streams and tributaries where cool, well oxygenated water is available year-round. The female selects a site where there is good intergravel flow, then digs a redd and deposits eggs while an attendant male fertilizes them. The eggs are then covered with gravel when the female begins excavation of another redd just upstream.

The length of time it takes for eggs to hatch depends mostly on water temperature. Hatching of steelhead eggs in hatcheries takes about 30 days at 51° F (Leitritz and Lewis 1980). Fry emerge from the gravel usually about four to six weeks after hatching, but factors such as redd depth, gravel size, siltation, and temperature can speed or retard this time (Shapovalov and Taft 1954).

The newly emerged fry move to the shallow, protected areas associated with the stream margin (Royal 1972; Barnhart 1986). They soon move to other areas of the stream and establish feeding locations, which they defend (Shapovalov and Taft 1954). Most juveniles inhabit riffles but some of the larger ones will inhabit pools or deeper runs (Barnhart 1986).

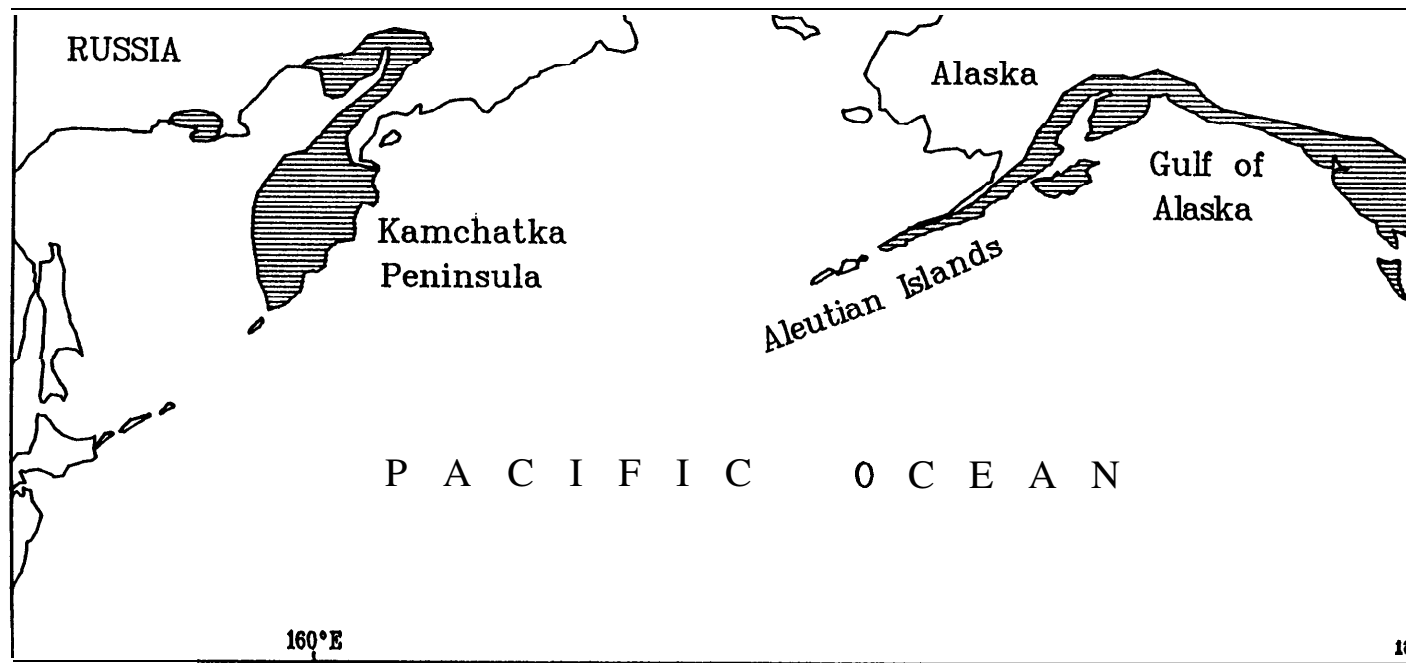
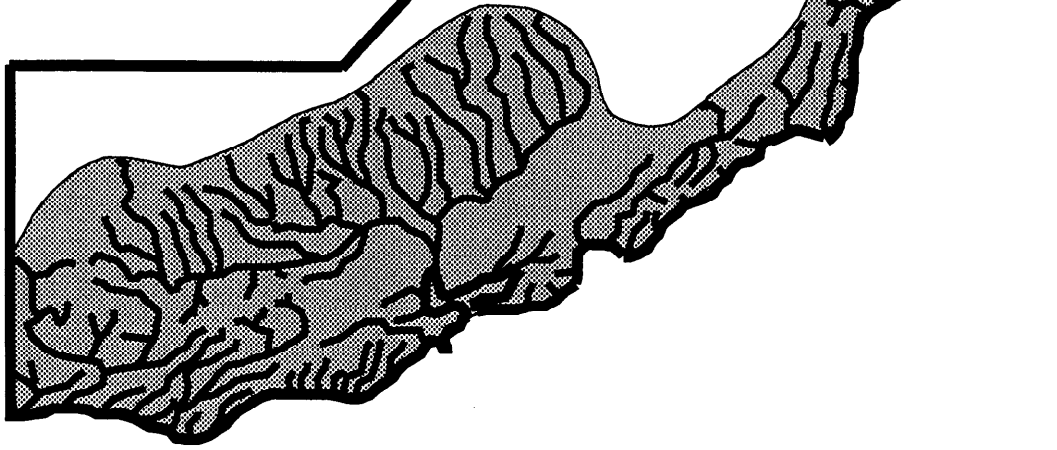


Figure 1. Distribution of steelhead rainbow trout, *Oncorhynchus mykiss* (modified from B

HISTORIC



PRESENT

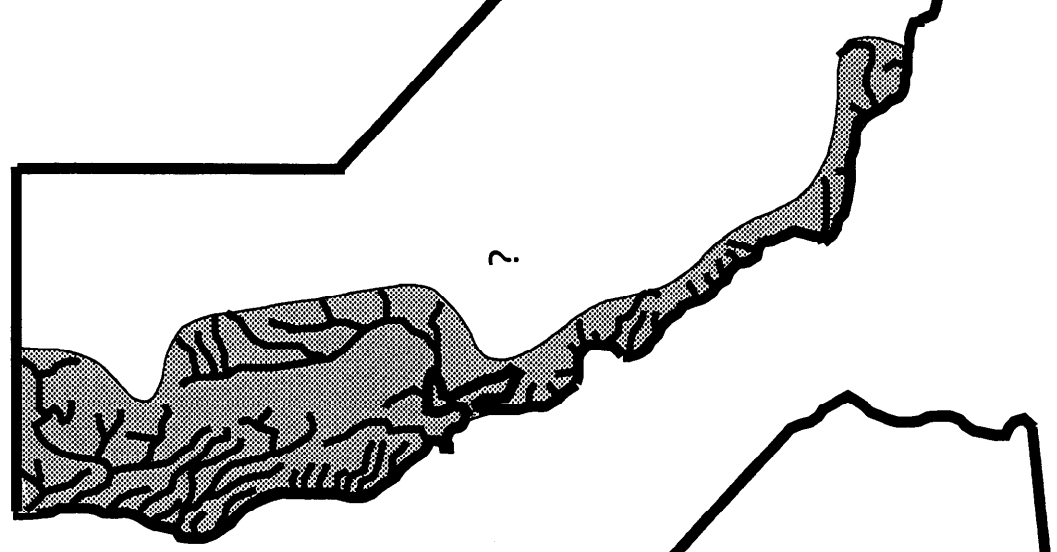


Figure 2. Historic and present distribution of steelhead in California.

The life history of steelhead differs from that of Pacific salmon principally in two aspects: juveniles have a longer fresh water rearing requirement (usually from one to three years) and both adults and juveniles are much more variable in the amount of time they spend in fresh and salt water. Throughout their range, steelhead typically remain at sea for one to four growing seasons before returning to fresh water to spawn (Burgner et al. 1992). Boydston (1977) found that most Gualala River steelhead migrated to sea as two-year old fish and returned after spending two years in the ocean. In Scott and Waddell creeks, the majority of adults returning to the stream to spawn had spent two years in fresh water and one or two years in the ocean. However, steelhead from these streams occasionally exhibited other life history patterns: scale analysis of adults indicated that they spent from one to four years in fresh water and from one to three years in the ocean (Shapovalov and Taft 1954). Steelhead do not necessarily migrate at any set age. Some individuals will remain in a stream, mature, and even spawn without ever going to sea, others will migrate to sea at less than a year old, and some will return to fresh water after spending less than a year in the ocean.

There are two basic life history types of steelhead: *stream-maturing* steelhead, which enter fresh water with immature gonads and consequently must spend several months in the stream before they are ready to spawn; and *ocean-maturing* steelhead, which mature in the ocean and spawn relatively soon after entry into fresh water (Peggy Busby, Fishery Research Biologist, National Marine Fisheries Service, pers. comm.). This corresponds to the accepted classification which groups steelhead into two seasonal "races": summer and winter steelhead (Withler 1966; Royal 1972; Roelofs 1983; Barnhart 1986; Burgner et al. 1992). Stream-maturing steelhead (summer steelhead) typically enter fresh water in spring, early summer, and possibly fall. They ascend to headwater tributaries, hold over in deep pools until mature, and spawn in late fall and winter. Ocean-maturing steelhead (winter steelhead) typically begin their spawning migration in fall and winter and spawn within a few weeks to a few months from the time they enter fresh water. Ocean-maturing steelhead generally spawn January through March, but spawning can extend into spring and possibly early summer months. In the Rogue River, spawning of stream-maturing and ocean-maturing steelhead is spatially and temporally segregated (Everest 1973). Little is known about spawning time and location of California stream-maturing steelhead populations (Roelofs 1983).

This classification is mostly one based on behavioral and physiological differences and does not reflect genetic or taxonomic relationships (Allendorf 1975; Allendorf and Utter 1979; Behnke 1992). The degree of genetic similarity is mostly a reflection of geographical

relationships; that is, summer steelhead¹ occupying a particular river system are more genetically similar to winter steelhead of that system than they are to summer steelhead in other systems. Allendorf (1975) found that summer steelhead from several coastal streams in Washington were genetically indistinguishable from coastal winter steelhead of the same streams, but showed no genetic affinities with inland (upper Columbia River) summer steelhead.

Rainbow trout have also been classified on the basis of anadromy. In the past, steelhead and non-anadromous (resident) rainbow trout have been grouped as two different subspecies and even different species by early researchers (Allendorf 1975). However, little or no morphological or genetic differentiation has been found between anadromous and resident forms inhabiting the same stream system² (Behnke 1972; Allendorf 1975; Allendorf and Utter 1979; Busby et. al 1993; Nielsen 1994). The conversion of anadromous forms that have become isolated upstream of dams to resident populations (e.g. Whale Rock Reservoir and Redwood Creek populations) is a further indication of the close genetic and taxonomic relationship of these two forms. Anadromous and resident rainbow trout apparently did not arise from two distinct evolutionary lines, but rather the two forms have given rise to each other independently (Behnke 1992).

Behnke (1972), Allendorf (1975), Allendorf and Utter (1979), and Wilson et al. (1985) conclude that rainbow trout cannot be separated taxonomically by timing of return to fresh water (summer vs. winter steelhead) or their tendency for anadromy (steelhead vs. resident rainbow trout). Rather, rainbow trout are taxonomically structured on a geographic basis (coastal vs. inland forms). Similarly, Behnke (1992) identifies two subspecies of North American rainbow trout that exhibit anadromy: coastal rainbow trout (*O. m. irideus*) and Columbia River redband trout (*O. m. gairdneri*). All steelhead populations of *O. m. gairdneri* are summer steelhead (Behnke 1992; Burgner et. al 1992) and occupy upper Columbia River tributaries east of the Cascades. *O. m. irideus* is distributed along coastal rivers and streams from California to Alaska and consists of both summer and winter steelhead populations. All steelhead populations in California are *O. m. irideus* (Behnke 1992).

DFG has traditionally grouped steelhead into seasonal runs according to their peak migration period: in California there are well-defined winter, spring, and fall runs. This

¹ *Summer steelhead* and *winter steelhead* will be used throughout the remainder of this document to describe the two behavioral types of California steelhead. These terms are synonymous with *stream-maturing* and *ocean-maturing* steelhead, respectively.

² Wilson et al. (1985) did however, find differences in mitochondrial DNA sequences between anadromous and resident rainbow trout of the same drainage.

classification is useful in describing actual run timing, but is confusing when it is used to further categorize steelhead populations. Seasonal classification does not reflect stock characteristics, spawning strategies, and run overlap between summer and winter steelhead. Also, a seasonal run may be comprised of both summer and winter steelhead. For example, spring-run steelhead in the Eel River system are summer steelhead because they hold-over and do not spawn until the following winter; spring-run steelhead entering southern California streams in spring and early summer are mature and spawn immediately, and thus are winter steelhead. Run timing is a characteristic of a particular stock, but, by itself, does not constitute "race".

Prior to the intensive water development of this century, summer steelhead were probably more common in California than they are today. At present, summer steelhead are found only in north coast drainages, mostly in tributaries of the Eel, Klamath, and Trinity river systems. Winter steelhead are also present in north coast drainages, and are also found in the Sacramento River system and central and south coast drainages.

Lack of genetic differences indicates that there is substantial gene flow between anadromous and resident forms. It is not uncommon in anadromous salmonids for males to mature as parr, then assume a resident life style (Titus et al. in press). Mature male parr rainbow trout have been observed spawning with female steelhead in Waddell Creek (Shapovalov and Taft 1954) and they have been observed in the Big Sur River (Robert Titus, DFG Associate Fishery Biologist, pers. comm.) This variability in life history patterns probably confers a survival advantage, especially in unstable, variable climatic and hydrographic conditions such as in southern California environments at the southern-most limit of steelhead distribution. The major river systems in this area are subject to extreme variations in rainfall which can result in high volume, flash flood runoff, or droughts lasting several years. Stream flow in these streams can vary greatly, both seasonally and annually. It is not uncommon for the lower reaches of many southern rivers to become intermittent during the dry season. Juvenile steelhead rearing in the perennial headwaters of these rivers at times have no access to the ocean for several years. Also, sufficient flow is needed to breach sandbars which close the mouths of most coastal streams. When a storm event provides sufficient flow, a brief window of opportunity is created to allow movement of steelhead between their marine and fresh water environments. This life history flexibility to survive, and possibly spawn, until the next storm event opens a migration corridor has allowed steelhead to exist in the suboptimal environment that exists along the southern margin of their range.

The fact that anadromous and resident rainbow trout can form a single interbreeding population in a particular stream has important management implications. Management of native steelhead populations must include measures to protect and restore native resident

rainbow trout and the linkage between the two forms. Busby et. al (1993) state, that for purposes of Endangered Species Act evaluation and implementation, resident rainbow trout and steelhead that share a common gene pool should be considered together as one unit.

HABITAT CRITERIA

Depth. The preferred depth for steelhead spawning is approximately 14 inches and ranges from 6 to 24 inches (Bovee 1978). Fry prefer water approximately 8 inches in depth and utilize water 2 to 14 inches deep, while parr prefer a water depth of 10 inches but utilize water 10 to 20 inches deep (Bovee 1978).

In natural channels, water depth usually does not hinder adult migration because adult steelhead normally migrate during high flows. Depth can become a significant barrier or impedance in streams that have been altered for flood control purposes, especially those that do not have a low flow channel. It has been reported that seven inches is the minimum depth required for successful migration of adult steelhead (Thompson 1972, as cited in Barnhart 1986) although the distance fish must travel through shallow water areas is also a critical factor. Excessive water velocity and obstacles which impede the swimming and jumping ability are more significant in hindering or blocking migration (Barnhart 1986).

Velocity. Water velocities of 10 to 13 ft/s begin to hinder the swimming ability of adult steelhead and may retard migration (Reiser and Bjornn 1979). Steelhead spawn in areas with water velocities ranging from 1 to 3.6 ft/s but prefer velocities of about 2 ft/s (Bovee 1978). The ability to spawn in higher velocities is a function of size: larger steelhead can establish redds and spawn in faster currents than smaller steelhead (Barnhart 1986).

Substrate. Adult steelhead have been reported to spawn in substrates from 0.2 to 4.0 inches in diameter (Reiser and Bjornn 1979). Based on the Bovee (1978) classification, steelhead utilize mostly gravel-sized material for spawning but will also use mixtures of sand-gravel and gravel-cobble³. Fry and juvenile steelhead prefer approximately the same size of substrate material (cobble/rubble) which is slightly larger than that preferred by adult steelhead for spawning (gravel) (Bovee 1978). The gravel must be highly permeable to keep the incubating eggs well oxygenated and should contain less than 5% sand and silt.

Temperature. The preferred water temperature for various life stages of steelhead is well documented (Bovee 1978; Reiser and Bjornn 1979; Bell 1986) (Table 1).

³ According to the Unified Soil Classification System, sand is defined as particles with diameters from 0.003 to 0.19 inches, gravel is from 0.19 to 3.0 inches, and cobble is from 3.0 to 11.8 inches.

Table 1. Preferred water temperatures for various steelhead life history stages.

Life History Stage	Temperature Range (°F)
Adult migration	46 to 52
Spawning	39 to 52
Incubation and emergence	48 to 52
Fry and juvenile rearing	45 to 60
Smoltification	< 57

Optimum temperature requirements of steelhead may vary depending on season, life stage, and stock characteristics. Egg mortality begins to occur at 56° F. Steelhead have difficulty extracting oxygen from water at temperatures greater than 70° F (Hooper 1973, as cited in Barnhart 1986). In California, low temperatures are not as much of a concern as high temperatures, especially high temperatures that occur during adult migration, egg incubation, and juvenile rearing.

The temperatures noted in Table 1 are optimal conditions. Rainbow trout are known to exist in relatively high temperature regimes, some of which exceed the preferred temperatures for considerable lengths of time (e.g. steelhead in south coastal streams).

THE STEELHEAD FISHERY

Native Americans utilized salmon and steelhead for subsistence, trade, and ceremonial purposes. Salmon and steelhead were harvested year-round by central coast and Central Valley tribes, and primarily during late summer and fall months by north coast tribes. Nets, spears, traps, and weirs were utilized to capture the fish. Today, Native Americans employ gill nets and, to a lesser extent, dip nets to capture salmon and are limited mostly to the Klamath River system. The large mesh gill nets used in this fishery are targeting salmon, hence the smaller sized steelhead are not taken in large numbers. (Roger Barnhart, Project Leader, National Biological Survey Cooperative Fishery Research Unit, pers. comm.).

There is no commercial steelhead fishery in California today. Commercial salmon trollers cannot legally possess steelhead, and very few are taken incidently in the commercial

salmon catch (Alan Baracco, DFG Senior Marine Biologist, pers. comm.). There is no ocean sport fishery for steelhead.

There is a well-established inland steelhead sport fishery in California. In 1991, there were an estimated 99,700 steelhead anglers (16 years and older) in California (Sylvia Cabrera, Project Leader, National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, USFWS, pers. comm.). This estimate is substantially less than the 190,900 California steelhead anglers estimated by the 1985 National Survey. These two estimates cannot be compared however, because different survey methodologies were used to generate them. The 1985 estimate is believed to be inflated, and the 1991 figure is more accurate (Sylvia Cabrera, pers. comm.).

The majority of angler effort is expended in the large river systems and smaller coastal streams north of San Francisco Bay and, to a lesser degree, in the Sacramento River system. There are a few rivers and streams south of San Francisco Bay that still support a steelhead sport fishery, but angling opportunities have become limited in recent years as a result of reduced access and low fish numbers. The steelhead fishery of southern California (south of San Luis Obispo) is almost nonexistent due to severe declines and extirpation of many of the runs. There are a few historical accounts of a steelhead fishery in the San Joaquin River system; at present it does not support a steelhead sport fishery.

Steelhead sport fishing is important not only for its recreational value, but also for the economic benefit that it provides. Meyer Resources Inc, (1988) conducted an analysis of the economic benefits that would result from increasing California's salmon and steelhead stocks. They estimated that doubling salmon and steelhead stocks would increase commercial and sport fishing business revenues by approximately 75 million dollars per year and the annual net income to businesses would be 30 million dollars (Table 2). Total benefit to the California economy was estimated to be approximately 147 million dollars per year.

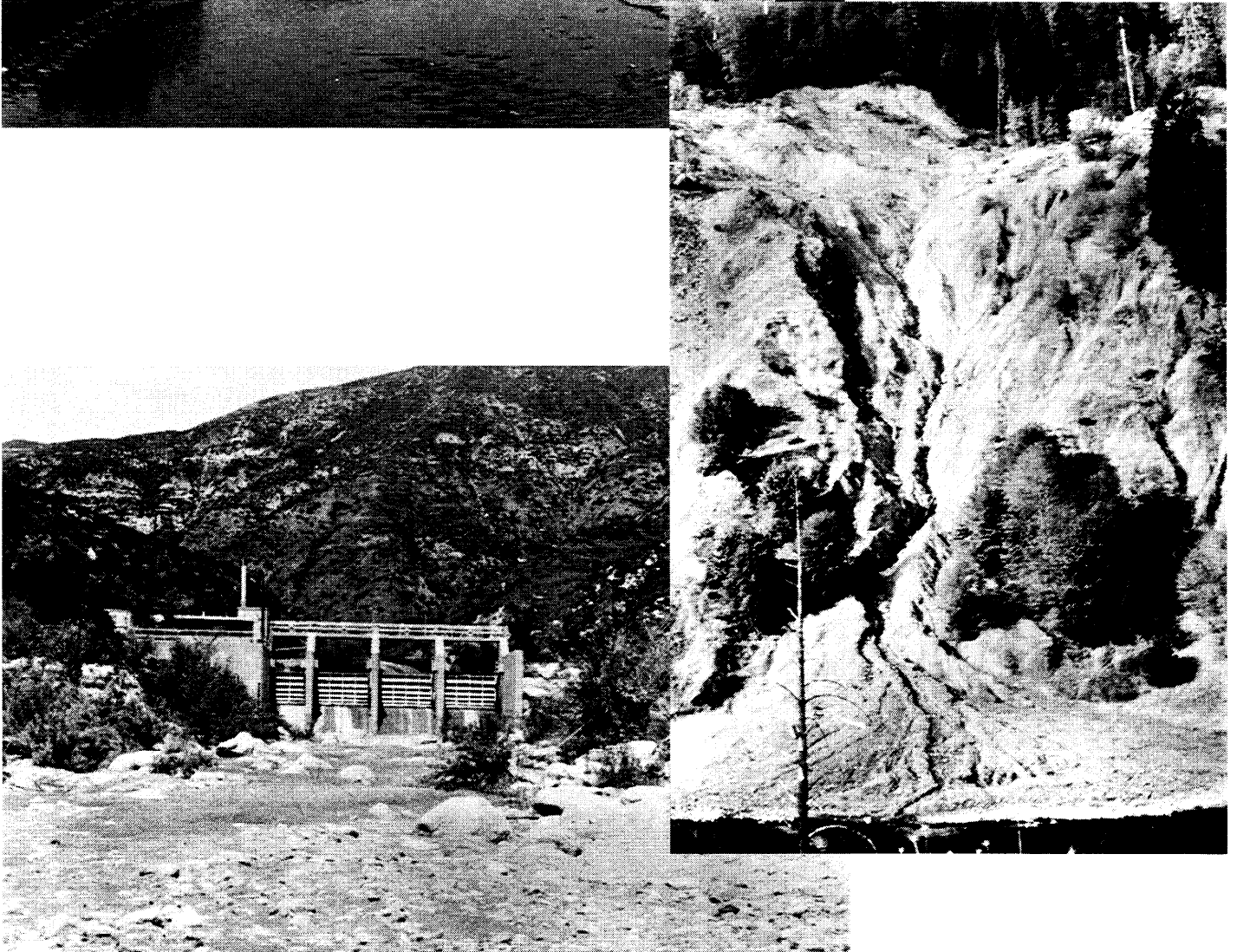
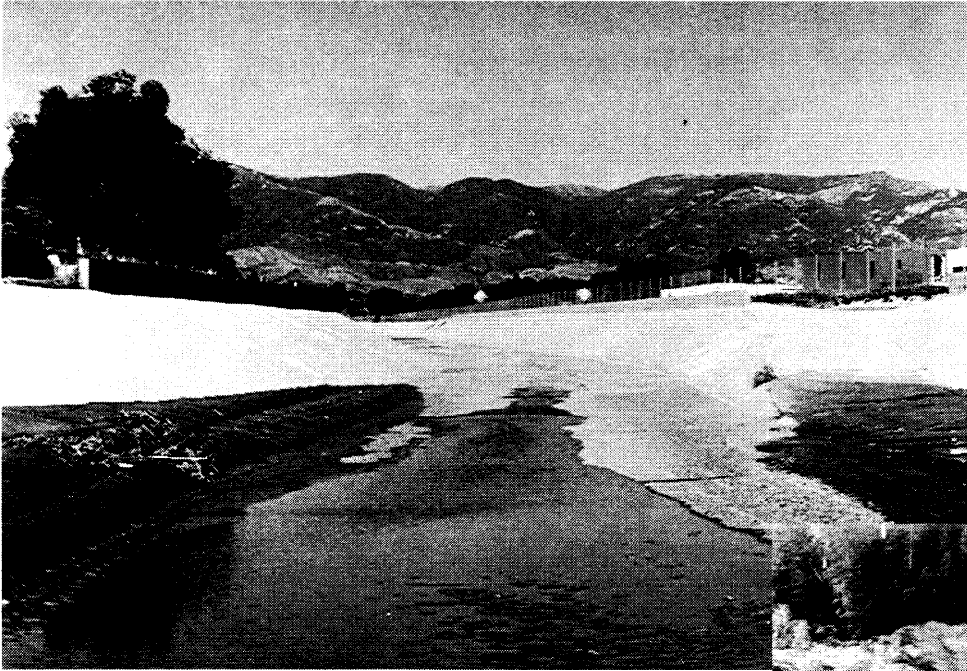
An estimated 37.5 million dollars per year from sport fishing revenues would result from doubling California's steelhead populations (Meyer Resources, Inc. 1988) (Table 2). In the Sacramento and Klamath river systems, steelhead account for over 20 million dollars annually, which is 16 percent of the total salmonid commercial and sport fish revenues for these systems¹. In the Klamath system alone, steelhead sport fishing provides 52 percent of the total salmonid commercial and sport fishing revenues. Increasing steelhead sport catch in the Carmel and Ventura River systems to 2,000 and 1,000 adult fish, respectively, would generate economic benefits of 1.1 and 0.6 million dollars annually (Meyer Resources, Inc. 1988).

¹ Calculations are derived from data given in Meyer Resources, Inc. (1988) and are based on their estimates of stock size and catch rate.

Table 2. Estimated benefits of doubling California's salmon and steelhead populations. Modified from Meyer Resources, Inc. (1988).

River System	Net Annual Economic Benefits (millions of dollars)				% of Total Revenues Attributable to Steelhead
	Salmon and Steelhead		Steelhead Only		
	Business Revenues (comm. and sport)	Total Revenues (Bus. and Non-Market)	Business Revenues (sport)	Total Revenues (Bus. and Non-Market)	
Sacramento/ San Joaquin	19.7	101.4	0.56	8.0	7.9
Klamath/ Trinity	6.8	23.5	0.55	12.2	52.0
Eel	3.0	16.1	0.55	12.2	75.8
Navarro	0.1	1.0	0.03	0.6	60.0
Carmel	0.05	1.1	0.05	1.1	100.0
Ventura	0.03	0.6	0.03	0.6	100.0
Other Calif. Rivers	0.35	3.4	0.13	2.8	55.5
Total Statewide Economic Benefit:	30.0	147.1	1.9	37.5	25.5

PART II: STATUS



OVERVIEW

The *California Fish and Wildlife Plan* (CDFG 1965) estimated the total annual statewide spawning escapement of steelhead in the early 1960s to be 603,000¹. An estimated 303,500 angler-days were spent fishing for steelhead per year, and an estimated 122,250 steelhead were landed annually.

Because of the difficulty in assessing steelhead populations, there are few good estimates of adult numbers and an accurate statewide population estimate is difficult to derive. Carcass surveys, a dependable method to estimate salmon spawning populations, are not very useful for assessing steelhead spawning populations because steelhead do not necessarily die after spawning and spawning typically occurs when stream flows are most affected by winter storms. Counts made at counting weirs and fishways can be difficult because adult steelhead tend to migrate on high, turbid flows when visual observation is difficult or impossible. Hatchery counts can be an indication of run size but should be used with caution because the entire hatchery escapement is not always counted in some years (Ron Ducey, DFG Hatchery Manager, pers. comm.). Despite the lack of accurate numbers, reliable indicators such as fishway counts, escapement estimates, population surveys, and angler surveys show that steelhead, like most other anadromous salmonid stocks in California, are declining.

Light (1987) estimated the annual abundance of adult steelhead in California to be 275,000 adults. This is a rough estimate and is probably high (Eric Gerstung, DFG Associate Fishery Biologist, pers. comm.) but it provides a general view of the magnitude of steelhead abundance (Burgner et. al 1992). The California Advisory Committee on Salmon and Steelhead Trout (1988) estimated the statewide production of adult steelhead to be 240,000. Although this figure is similar to Light's estimate, the two are not readily comparable because of the imprecise nature of the data used to generate the estimates. They do, however, reflect a decline from the 603,000 adult steelhead estimated 23 years earlier in the *California Fish and Wildlife Plan*.

The lack of reliable and accurate population estimates for California steelhead does not conceal the ominous declining trend of this resource. Sport fishing catch rates are low nearly everywhere in the State. Fishway counts and population surveys where there are several years of data show a tremendous decline. Entire runs, particularly on the south coast, have become extirpated within the last two decades.

¹ Most of the estimates for steelhead in the *California Fish and Wildlife Plan* were derived by comparison with other better-studied streams and not by analysis of escapement, population, count, or catch data; hence these numbers may not be very accurate and should be used with caution.

A substantial amount of steelhead habitat has been lost or degraded, due primarily to decreased flows because of water diversions and groundwater extraction, blocked or hindered access to spawning and rearing areas by dams and other structures, unscreened or poorly screened diversions which entrain juvenile fish, and soil disturbances resulting from poor land use practices in the watersheds. Natural events, such as the recent drought, the 1964 flood, and adverse ocean conditions have probably played a role in the decline. The 1986-1992 drought has certainly exacerbated the problem, but most of the population declines began prior to the drought.

The decline of California's steelhead populations reflects the alarming trend of declining salmonid populations coastwide. Nehlsen et al. (1991) identified 214 Pacific salmonid stocks at risk in California, Oregon, Idaho, and Washington, including 101 stocks that were judged to be at high risk of extinction or possibly already extinct. Coastwide (excluding British Columbia and Alaska), 75 steelhead stocks were identified as being at risk, 17 of which occur in California. They attribute the decline to habitat loss and damage, inadequate passage and flows, over-fishing, and interactions with exotic species. Cooper and Johnson (1992) also have identified a declining trend among steelhead populations coastwide from British Columbia to California.

This decline has prompted the Oregon Natural Resources Council et al. (1994) to petition the National Marine Fisheries Service (NMFS) to place steelhead populations in California, Oregon, Washington, and Idaho under the protection of the Endangered Species Act (ESA). NMFS is presently conducting a status review to determine which individual stocks (or groups of stocks) meet the criteria of "species" as defined under the ESA and if the status of these individual stocks warrant listing as threatened or endangered.

For purposes of this plan, steelhead populations are grouped into three management areas: North Coast (north of San Francisco Bay), Central Valley, and South Coast (south of San Francisco Bay). This management area designation does not necessarily reflect biological domains or infer stock relationships, but the areas do contain steelhead stocks with similar life histories and characteristics. Also, stocks within each area are subject to similar impacts, hence management objectives within each area will be similar. This section discusses the status of populations within each management area. Management objectives for steelhead within the three areas are discussed in Part III.

NORTH COAST

DISTRIBUTION

The historic range of steelhead on the north coast (north of San Francisco Bay) has not been reduced as drastically as it has in other areas of the State (Fig. 3). Major dams that have blocked access to historical spawning and rearing areas are Iron Gate Dam on the Klamath River, Lewiston Dam on the Trinity River, Ruth Dam on the Mad River, Scott Dam on the Eel River, Coyote Dam on the Russian River, and Warm Springs Dam on Dry Creek (a tributary to the Russian River). All of these dams except the latter two are at elevations greater than 1,500 feet, so a considerable amount of habitat is still available downstream. The Russian River is a notable exception: dams block access to the headwaters and a major tributary. Lagunitas Creek, a tributary to Tomales Bay, also has undergone extensive water development and dam construction.

The wide distribution of steelhead on the north coast is in sharp contrast to other areas of the State. In the Central Valley, for example, dams at low elevations have blocked access to thousands of miles of spawning and rearing habitat and have severely reduced steelhead distribution (Fig. 2).

STATUS

The north coast rivers and streams have the greatest amount of steelhead habitat in the State and the most abundant populations of steelhead. The *California Fish and Wildlife Plan* estimated an annual spawning escapement of 513,500 steelhead for this region. Because many of the spawning and rearing tributaries are largely undeveloped and still fairly remote, the north coast runs are in better condition than other areas of the State. However, these populations are also declining.

Higgins et al. (1992) identified 49 naturally spawning salmon and anadromous trout stocks at risk in the north coast region. Of these, 20 were judged to be at high risk of extinction, three at moderate risk of extinction, and 26 were of special concern. They identified 11 summer steelhead stocks at risk, eight of which are at high risk of extinction. North Coast winter steelhead stocks were not treated in their report due to insufficient information.

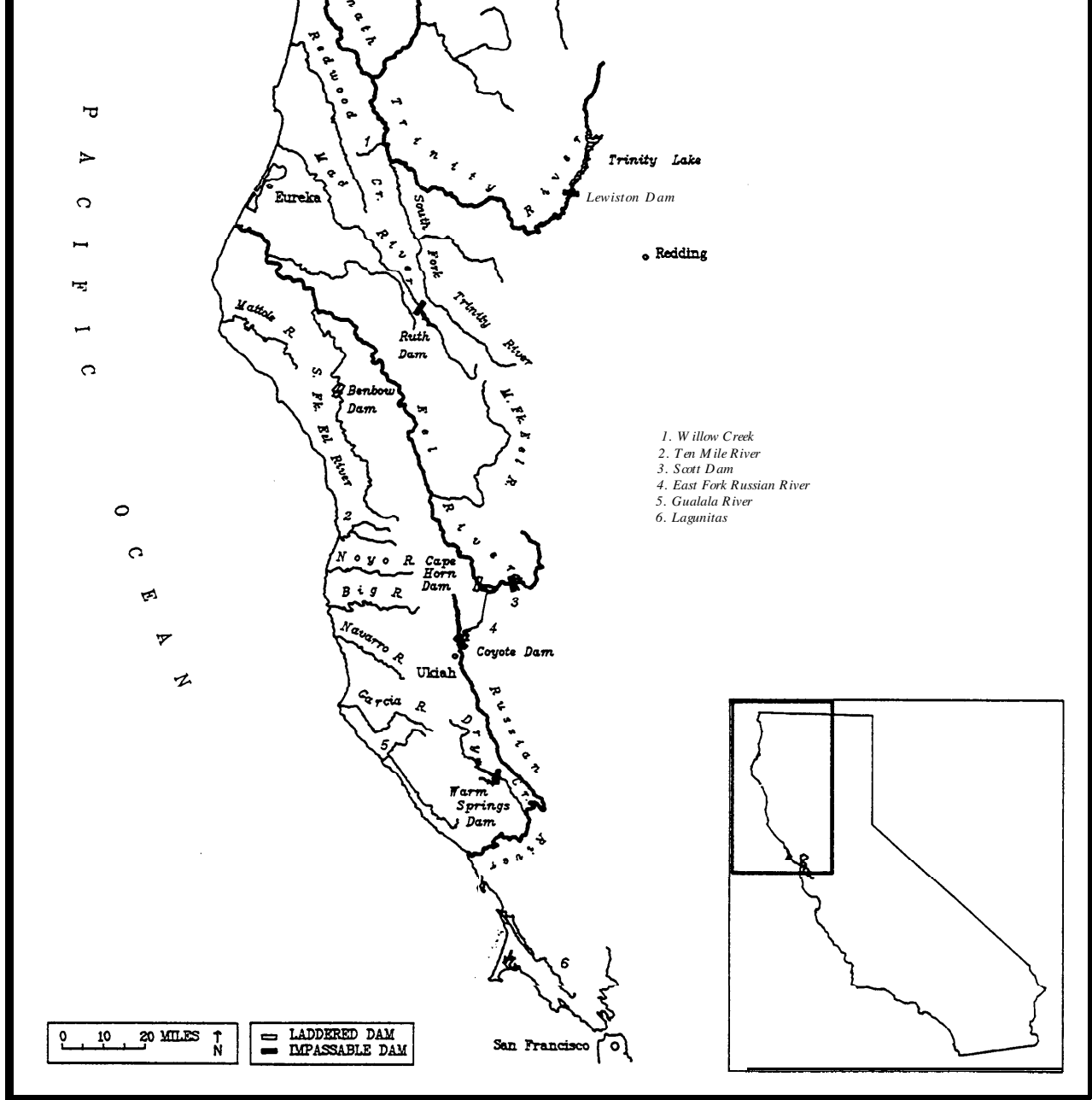


Figure 3. Coastal rivers and streams north of San Francisco Bay.

In the 1960's, the Smith River was estimated to have a spawning escapement of 30,000 adult steelhead (CDFG 1965). There have been no recent spawning surveys done for steelhead, and, at present, the population size is unknown (Dave McLeod, DFG Associate Fishery Biologist, pers. comm.). The Smith River is presently protected by a federal Wild and Scenic River designation and has one of the most undisturbed watersheds in California. Steelhead populations appear to be healthy in this system and the habitat appears to be fully seeded with juveniles, (Mike McCain, USFWS, pers. comm.) although the recent drought appears to have reduced available spawning and rearing habitat (Jim Waldvogel, Marine Advisor, California Sea Grant, pers. comm.). The Smith River is well-known for producing trophy-size steelhead.

The greatest number of steelhead in California is in the Klamath-Trinity river system. The *California Fish and Wildlife Plan* estimated an annual run size (spawning escapement and harvest) of 283,000 adult steelhead for the entire Klamath River system. The size of the fall-run in the Klamath system from the 1977-78 to the 1982-83 seasons ranged from 87,000 to 181,410 adult steelhead (DFG unpublished data) (Table 3). Hopelain (1987) believed that the size of the winter-run in this system in the early 1980's was about 10,000 to 30,000 adults annually, based on limited sport angler and Native American gill net harvest data.

The most reliable population estimates for steelhead on the north coast are for the Trinity River, a major tributary of the Klamath River. DFG has operated several weirs in the system since 1977 to obtain steelhead run size, sport harvest, and spawning escapement estimates. Estimates for some years during this period are not available because of the difficulty in maintaining weirs in high water. Eight years of run size estimates for the Trinity River upstream of Willow Creek range from 7,833 to 37,276 and average 15,185 adults. The 1991-92 estimated run size for the Trinity River above Willow Creek was 11,417 (Table 3).

Steelhead runs in the Eel River system have declined significantly. Annual counts of adults at Cape Horn Dam in the upper watershed of the main stem Eel River declined from an average of 4,400 during the 1930's to about 1,000 during the 1980's (Table 3). Annual counts made at Benbow Dam on the S.F. Eel River also show a decline from historical numbers, from an average of 18,784 during the 1940's to 3,355 during the 1970's (counts were discontinued after 1975). Recent indications are that steelhead populations also appear to have declined significantly in the S.F. Eel River, which may be due in part to predation or other adverse effects from introduced Sacramento squawfish (*Ptychocheilus grandis*), which are now widespread throughout the system. There are no historical or present basin-wide estimates of steelhead abundance in this system.

Table 3. Steelhead population trends in selected north coast rivers and streams.

	1930's ⁶	1940's ⁶	1950's ⁶	1960's ⁶	1970's ⁶	77-78	78-79	79-80	80-81	81-82	82-83	83-84	84-85	85-86	86-87	87-88
Klamath River System ^{1,2}				283,000		89,091	181,410	154,196	116,906	87,010	145,150					
Trinity ^{2,3} River				55,200					25,094		10,532	8,605	7,833			
Eel River ⁴ at Capehorn Dam	4,394	3,560	3,601	890	731			87	1,966	646	369	1,534	1,980	1,199	1,952 (1,114)	2,168 (666)
S.F. Eel River at Benbow Dam		18,800	12,800	6,700	3,400											
M.F. Eel ⁵ River Summer Steelhead						654	377	1,298	1,052	1,601	1,054	666	1,524	1,490	1,000	1,550

¹ 1960's estimate from California Fish & Wildlife Plan (1965); 77-83 estimates from CDFG (unpublished data) and are fall-run

² Run size (spawning escapement + harvest).

³ 1960's estimate from California Fish & Wildlife Plan (1965); 80-92 estimates are above Willow Creek confluence, from DFG

⁴ Numbers in parentheses are number of wild fish counted; prior to 1986-87, hatchery and wild fish were not differentiated. Source: DFG Consulting (1993) and Gene Geary, Pacific Gas and Electric Company, pers. comm.

⁵ Source: DFG unpublished data.

⁶ Average annual count or run size.

The *California Fish and Wildlife Plan* estimated an annual spawning escapement of 12,000, 8,000, 12,000, 16,000, and 16,000 steelhead in the Mattole, Noyo, Big, Navarro, and Gualala rivers, respectively. Present run sizes are not available for any of these streams, but indications are that they have declined due to drought effects, especially in the past six years (Weldon Jones, DFG Associate Fishery Biologist, pers. comm.). Most steelhead in these central coast streams are wild fish, although there are artificial supplementation programs on the Ten Mile and Gualala rivers.

The *California Fish and Wildlife Plan* estimated an annual spawning escapement of 50,000 steelhead in the Russian River. Presently, escapement of naturally produced steelhead in this system probably ranges from about 1,750 to 7,000 adults (Bill Cox, DFG Associate Fishery Biologist, pers. comm.). Shapovalov (1944a) reported that steelhead spawned in the main stem, all tributaries, and the East Fork. Many of the tributaries, including the East Fork, are now inaccessible to steelhead. The steelhead run into Warm Springs Hatchery on Dry Creek has averaged 931 adults and ranged from 333 to 1,962 adults over 12 seasons of operation (1980-81 through 1991-92).

Marin County streams tributary to San Pablo and San Francisco bays have all sustained intensive urban development and anadromous runs in most creeks have been extirpated. West Marin County streams tributary to Tomales Bay and the Pacific Ocean still have fair to good steelhead runs but these are mostly small streams with a small number of adults. Steelhead escapement in Lagunitas Creek is not available, but is probably about 400-500 adults (Bill Cox, DFG Associate Fishery Biologist, pers. comm.).

There are four DFG hatcheries in the north coast area: Iron Gate Salmon and Steelhead Hatchery on the Klamath River, Trinity River Hatchery on the Trinity River, Warm Springs Salmon and Steelhead Hatchery on Dry Creek, and Mad River Hatchery on the Mad River. Iron Gate, Trinity River, and Warm Springs hatcheries are mitigation hatcheries, whereas Mad River Hatchery is an enhancement hatchery. Production goals for these four hatcheries total about 1,710,000 steelhead smolts per year.

Despite the large number of hatchery smolts released, steelhead runs in north coast drainages are comprised mostly of naturally produced fish. The contribution of hatchery steelhead to the adult run on the Klamath River during the period from 1977 to 1982 averaged about 7.8%, and ranged from 6.8% to 10.6% (CDFG unpublished data). In the Trinity River above Willow Creek, hatchery steelhead comprised 34% and 20% of the 1980-81 and 1982-83 runs, respectively (CDFG unpublished data). There is no information on the present population size of wild stocks in the Klamath River system, although the contribution of wild fish in the total run estimate appears to have decreased (Barry Collins, DFG Associate Fishery Biologist, pers. comm.).

Since the early 1970's, systematic surveys have been undertaken on summer steelhead holding habitat to census adult summer steelhead. The most abundant population is in the M.F. Eel River (CDFG unpublished data). This population has not fully recovered from the devastating 1964 flood which aggraded the river bed, filled-in holding pools, and smothered spawning gravels (Eric Gerstung, DFG Associate Fishery Biologist, pers. comm.). Adult population numbers have declined since 1987 (Table 4). The present estimated annual statewide abundance of adult summer steelhead is about 2,000 adults.

Major factors impacting north coast steelhead stocks are watershed disturbances, caused by logging on unstable and steep slopes, grazing, and road building; and water diversions. Poaching is a problem, especially for summer steelhead, which must over-summer in fresh water, often concentrated in a few pools (Eric Gerstung, pers. comm.). This renders them susceptible to snagging and netting, especially if the pools are located in accessible areas. Urbanization of the watershed and gravel mining operations have caused serious problems on central coast streams.

STOCKS

The north coast has both summer and winter steelhead. Summer steelhead populations are found in tributaries of the Smith, Klamath, Trinity, Mad, and Eel river systems and in Redwood Creek (Fig 4). Nowhere in California are summer steelhead abundant, and the runs in many streams consist of less than 100 fish (Barnhart 1986; CDFG unpublished data) (Table 4). The M.F. Eel River population is the southernmost distribution of summer steelhead.

The Klamath, Mad, and Eel rivers support a sizeable fall-run of steelhead which migrate into fresh water from late summer through fall. These fish exhibit the "half pounder" life history characteristic (see below) also found in Rogue River (Oregon) fall-run steelhead. Because of their run timing and unique "half pounder" life history, it has been suggested that this stock constitutes a third steelhead type or race (Dennis Lee, DFG Senior Fishery Biologist, pers. comm.).

Others consider the north coast "fall-run" to be summer steelhead (Everest 1973; Oregon Dept. of Fish and Wildlife 1986). Everest (1973) found that there was no evidence to suggest that Rogue River "early" steelhead (summer-run: entering the river in May, June, and July) and "late" steelhead (fall-run: entering the river in August, September, and October) were racially distinct populations, and that numbers of both groups spawned simultaneously in the same areas, indicating they are members of a common race. He also found that 97% of late-running summer steelhead in the Rogue River exhibited the "half

Table 4. Summer steelhead population estimates, 1978 - 1993¹

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
M.F. Eel	377	1298	1052	1600	1051	666	1524	1463	1000	1550	711	726	
Van Duzen	ns	31 ²	25 ²	6	8	13	58	ns	ns	52	42 ¹	4 ¹	
Mad River	ns	ns	2 ²	6 ³	166	31 ³	134 ³	52 ³	5 ³	18 ²	60 ³	20 ³	
Redwood Ck.	ns	ns	ns	16 ³	23	73	44 ³	44 ³	19 ³	15 ²	8 ³	no ³	
N.F. Smith	ns	ns	ns	ns	2	ns	ns	ns	ns	ns	12	4	
M.F. Smith	ns	ns	ns	ns	22	ns	ns	ns	ns	ns	21	1 ²	
S.F. Smith	ns	ns	ns	ns	2 ²	ns	ns	ns	ns	ns	12 ²	4 ²	
S.F. Trinity	ns	6	ns	ns	26	ns	ns	ns	73	ns	26	37	
New River	ns	341	320	236	114 ³	ns	335	ns	na	ns	500 ⁴	655	
N.F. Trinity	200 ⁴	320	456	219	193 ²	160	180	57	ns	ns	624	347 ⁴	
Canyon Ck.	ns	ns	6	3	20	3	20	10	ns	0	32	ns	
Bluff Ck.	ns	41 ³	37	16	87	23	48	23 ³	73 ²	73 ²	91	44	
Red Cap Ck.	ns	ns	ns	ns	45	12	11	18 ²	ns	29	25	25	
Dillon Ck.	ns	ns	236	187	295	300	200 ⁴	162	ns	77	294 ²	ns	
Clear Ck.	1810	79	241	270	618	257 ²	156 ²	162 ³	428	512	678	920	
Indian Ck.	421	ns	ns	ns	15 ²	ns	ns	ns	ns	ns	41 ²	154 ²	
Elk Ck.	408	ns	90	47 ²	249	ns	18	ns	ns	31	63	150 ²	
Wooley Ck.	105	160	166	249	353	78	92	290	ns	280	359	234	
N.F. Salmon	ns	ns	69	60 ⁴	41	ns	ns	8 ³	6 ³	4 ³	8 ³	17	
S.F. Salmon	ns	ns	166	60 ⁴	225	ns	ns	9 ³	13 ³	6 ³	155 ²	11 ³	

ns = no survey

no = none observed

** Estimate is 825 to 1037

1. Estimated from dive surveys of 70 to 100 % of the adult summer holding areas, unless otherwise noted.
2. Estimated from dive surveys of 50 to 69% of the adult summer holding areas.
3. Estimated from dive surveys of 25 to 49% of the adult summer holding areas.
4. Cursory estimate based on expansion of partial count
5. Estimate includes half pounders

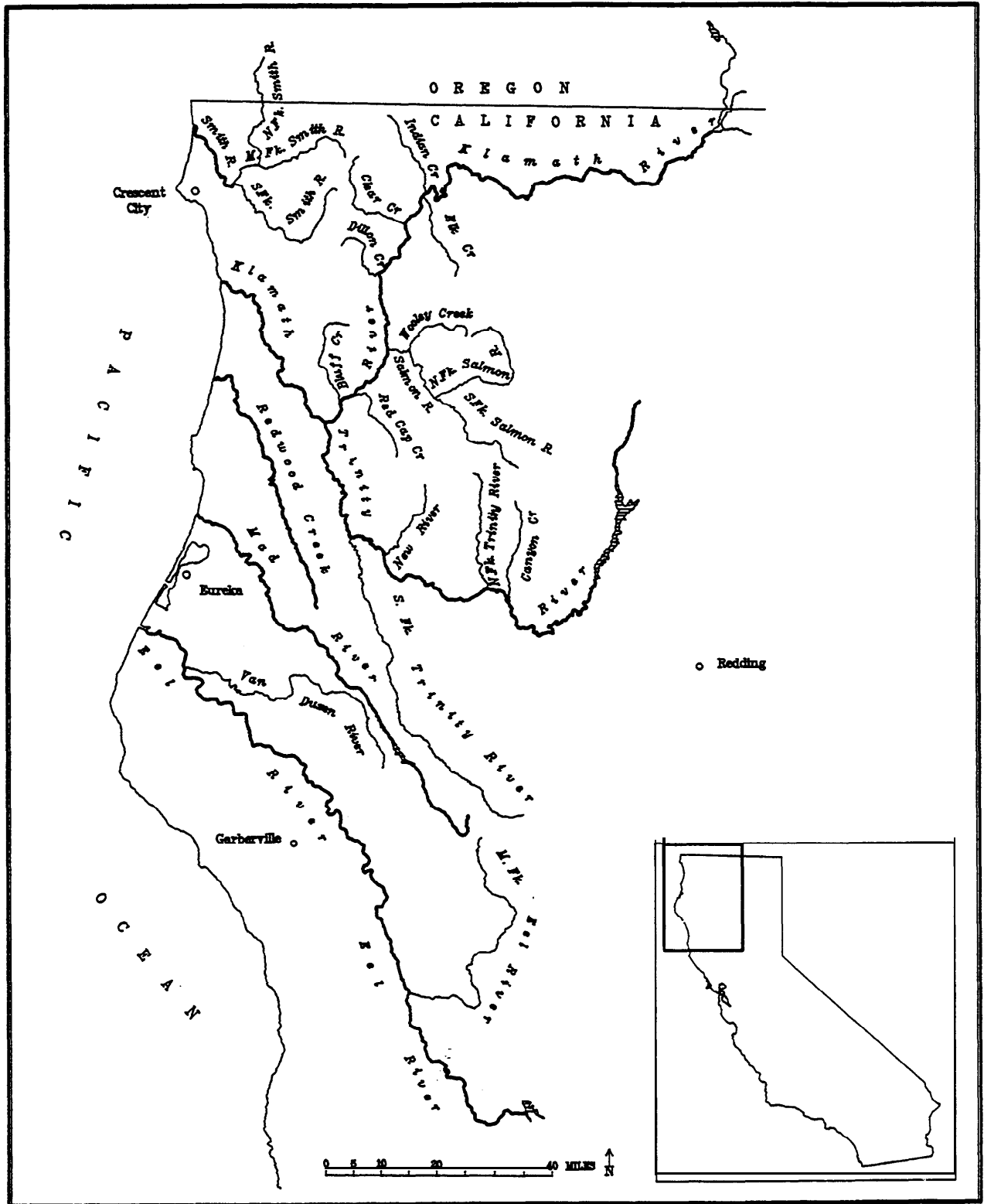


Figure 4. Summer steelhead streams in California.

pounder" characteristic, similar to the fall-run stock in the Klamath, Mad, and Eel rivers, which is an indication that they are all one stock. Roelofs (1983) believes that north coast fall-run steelhead are summer steelhead, based partly on the observation that only streams that have a late summer-early fall sport fishery for steelhead are those with viable summer steelhead runs.

North coast fall-run steelhead exemplify the problem of grouping steelhead into discrete races: steelhead, more so than other anadromous fishes, exhibit a continuum of life history traits and behaviors and do not always fit neatly into the labels or classifications that we give them. It is important that management be based on life-history and other natural characteristics of individual stocks, and not on groups of stocks that are arbitrarily classified into convenient "races" or other categories.

The "half pounder" life history is unique to north coast and southern Oregon steelhead populations. "Half pounders" are small (250-344 mm), sexually immature steelhead that return to fresh water after spending less than a year in the ocean (Kesner and Barnhart 1972; Everest 1973). Their distribution is limited principally to the Klamath, Mad, and Eel rivers and the Rogue River in Oregon. These fish do not spawn (except a small percentage of precocious males), eventually return to the ocean, and in subsequent years return to fresh water as larger, mature steelhead (Kesner and Barnhart 1972). "Half pounders" support a viable and important sport fishery in the Klamath River.

CENTRAL VALLEY

DISTRIBUTION

Steelhead ranged throughout the tributaries and headwaters of the Sacramento and San Joaquin rivers prior to dam construction, water development, and watershed perturbations of the 19th and 20th centuries. Present steelhead distribution in the Central Valley drainages has been greatly reduced (Figs. 2 and 5).

The steelhead sport fishery in the Sacramento River below Redding developed largely after Shasta Dam was built, either because the changed flow and temperature regimes resulted in better conditions and hence more fish or the controlled flows simply made steelhead more available to anglers (Skinner 1962). Steelhead runs also occurred historically in west side streams such as Stoney and Thomes creeks (Murphy 1946).

There is little historical documentation regarding steelhead distribution in the San Joaquin River system. Sixty-six and five steelhead were counted at Dennet Dam on the Tuolumne River near Modesto in 1940 and 1942, respectively (CDFG unpublished data). The installation of diversion dams on the major tributaries in the late 19th and early 20th centuries, such as La Grange Dam on the Tuolumne River and Exchequer Dam on the Merced River, probably caused a decline in steelhead numbers prior to the early fish surveys that took place in the 1930's and 40's. The absence of an established steelhead sport fishery in the San Joaquin River probably explains the paucity of information regarding steelhead in this drainage. It can be assumed, however, based on known chinook salmon (*O. tshawytscha*) distributions in this drainage, that steelhead were present in the San Joaquin River and tributaries from at least the San Joaquin River headwaters northward.

STATUS

Hallock et al. (1961) estimated the average annual steelhead run size in the Sacramento River system above the mouth of the Feather River for a six-year period beginning in 1953 to be 20,540 fish. The *California Fish and Wildlife Plan* estimated an annual run size of about 30,000 steelhead for this same area, and a total annual run size of 40,000 adults for the entire Central Valley (including San Francisco Bay tributaries).

Although an accurate estimate is not available, the present annual run size for the total system, based on Red Bluff Diversion Dam (RBDD) counts, hatchery counts, and past

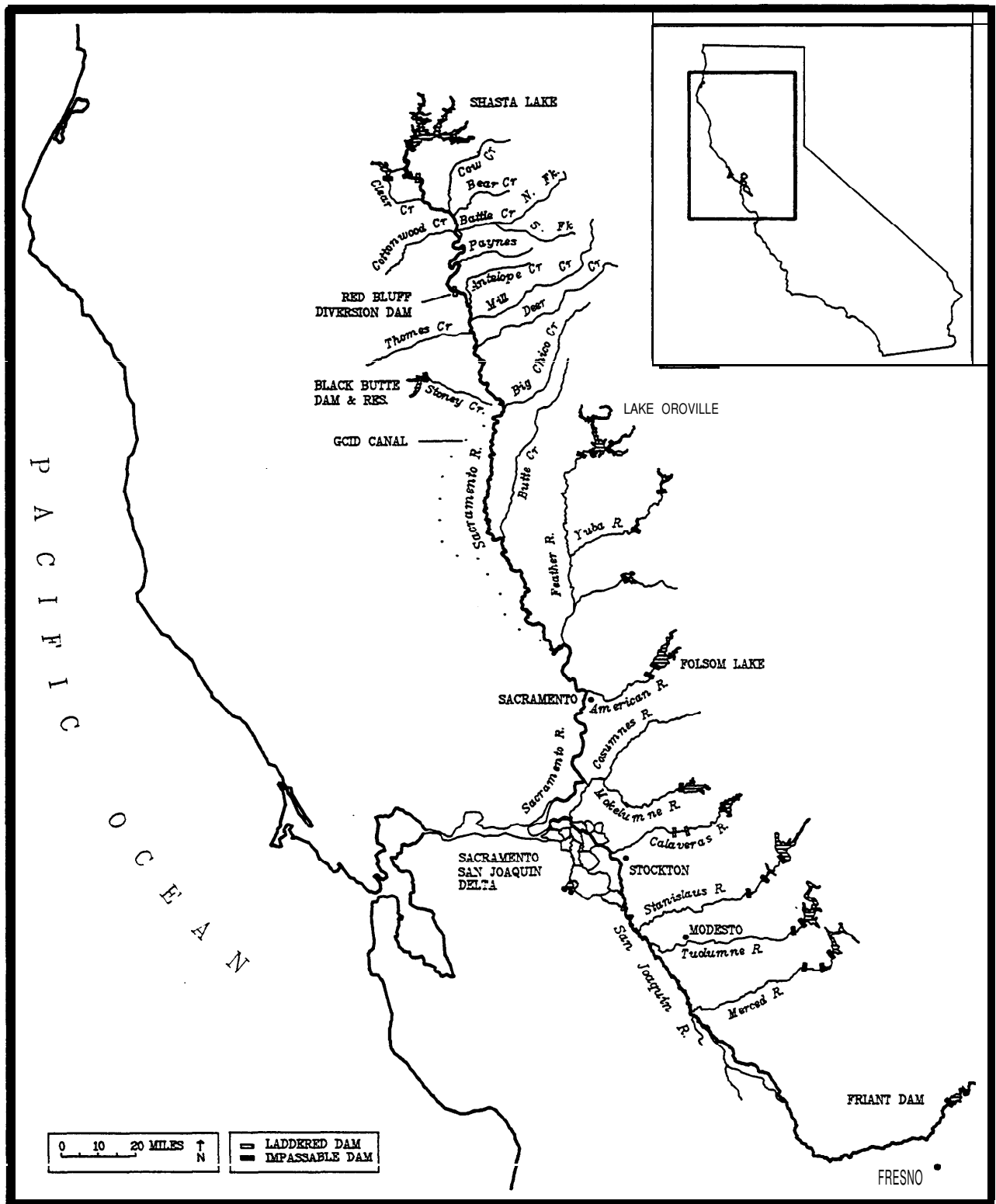


Figure 5. Rivers and streams of the Central Valley.

natural spawning escapement estimates for tributaries, is probably less than 10,000 adult fish. More reliable indicators of the magnitude of the decline of Central Valley hatchery and wild stocks are the trends reflected in the RBDD and hatchery counts (Figs. 6 and 7). Steelhead counts at the RBDD have declined from an average annual count of 11,187 adults for the ten-year period beginning in 1967, to 2,202 adults annually in the 1990's. Recent counts at Coleman, Feather River, and Nimbus hatcheries are also well below the average for these hatcheries (Fig. 7).

The Feather, Yuba, and American rivers are major tributaries to the lower Sacramento River and at one time supported large populations of steelhead. Today, the historical headwater spawning and rearing habitats of these rivers are inaccessible due to the installation of large dams. Feather River Hatchery on the Feather River and Nimbus Salmon and Steelhead Hatchery on the American River each produce 400,000 steelhead yearlings annually to mitigate for Oroville and Folsom dams, respectively.

The hatchery maintained runs have also declined. The estimated steelhead run size in the American River in 1971-72 and 1973-74 was 19,583 and 12,274, respectively (Staley 1976). Staley (1976) also estimated the steelhead harvest rate for the American River to be 27% for these two seasons. Assuming the harvest rate is the same, run sizes of 305, 1,462, and 255 are estimated to have occurred for the 90/91 through 92/93 seasons, respectively, based on the escapement into the hatchery. These estimates do not include steelhead adults that are less than 20 inches in length (Staley considered all rainbow trout greater than 14 inches to be steelhead; Nimbus counts include only rainbow trout greater than 20 inches), however, few steelhead less than 20 inches are observed at the hatchery (Ron Ducey, DFG Hatchery Manager, pers. comm.). Correcting for this bias, or if there is currently a greater harvest rate than 27%, will not appreciably change the current estimates; the present run size is still considerably less than it was in the early 1970's.

The Mokelumne River Fish Installation produces about 30,000 to 50,000 yearling steelhead per year from eggs taken at Nimbus Hatchery. This facility operates as mitigation for Camanche Dam which blocks access to the headwaters. The adult return to the Installation has been less than 50 steelhead per year for the last 20 years.

There are reports that a small, remnant run of steelhead persists in the Stanislaus River. Steelhead were also observed in the Tuolumne River in 1983, and a few large rainbow trout that appear to be steelhead enter the Merced River Hatchery every year (Bill Loudermilk, DFG Senior Fishery Biologist, pers. comm.).

Mills and Fisher (1994) reported that steelhead natural spawning escapement in the upper Sacramento River from 1967 to 1991 averaged 6,574 and ranged from 470 (1989) to

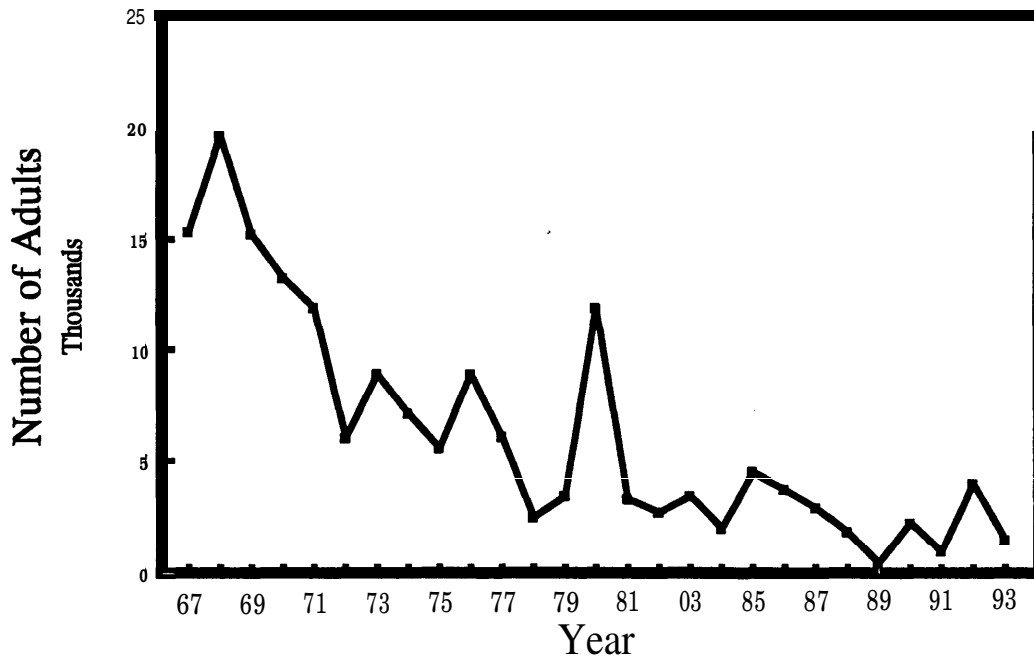


Figure 6. Adjusted adult steelhead counts at Red Bluff Diversion Dam on the Sacramento River, 1967- 1993.

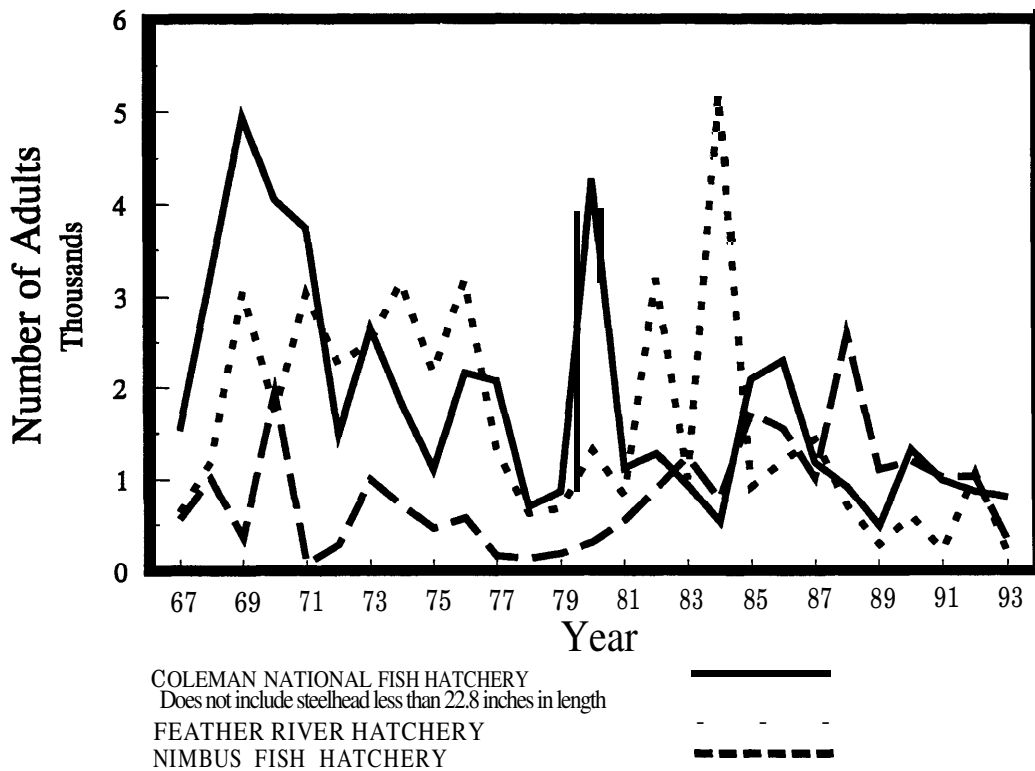


Figure 7. Adult steelhead counts at Coleman, Feather River, and Nimbus fish hatcheries, 1967-1993.

19,615 (1968). They derived these figures by subtracting the number entering Coleman Hatchery (hatchery escapement) from the RBDD counts, assuming that the difference represents the naturally spawning component of the total run. This method does not, however, take into account harvest and natural mortality.

The average estimated harvest rate on adult steelhead above RBDD for the three year period 1991/92 through 1993/94 is 16% (DFG unpublished data). Applying this rate to the fish counted at RBDD yields significantly lower estimates of natural spawning in the Sacramento River system above RBDD, assuming that there is no difference in harvest rate of hatchery and naturally spawning fish. Natural spawning escapement estimates for the period 1967 to 1991, corrected for harvest, averaged 3,465 and ranged from 0 (1989 and 1991) to 13,248 (1968) (Table 5). These estimates should be considered maximum estimates, however, because mortality from natural causes is not taken into account.

Presently, approximately 10% to 30% of the adults returning to spawn in the Sacramento system are of natural origin (Frank Fisher, DFG Associate Fishery Biologist, pers. comm.). Hallock et al. (1961) reported that the composition of naturally produced steelhead in the population estimates for the 1953-54 through 1958-59 seasons ranged from 82% to 97% and averaged 88%. Clearly, the decline of natural reproducing populations has been more precipitous than that of the hatchery stocks.

Wild stocks in the Sacramento system are mostly confined to upper Sacramento River tributaries such as Antelope, Deer, and Mill creeks and the Yuba River. Remnant populations may also exist in Big Chico and Butte creeks. Few wild steelhead are produced in the Feather and American rivers mainly because of inadequate conditions for juvenile rearing. The Yuba River still has natural production and is managed by DFG as a naturally sustained population (CDFG 1991a). The run size in the Yuba River in 1984 was estimated to be about 2,000 steelhead (CDFG 1984). Current status of this population is unknown, although it appears to be stable and continues to support a steelhead fishery. The Yuba River is essentially the only wild steelhead fishery remaining in the Central Valley.

The wild stocks in Mill, Deer and Antelope creeks, and other upper Sacramento River tributaries may be native or mostly native Sacramento River steelhead (Frank Fisher, DFG Associate Fishery Biologist, pers. comm.); however, these populations are nearly extirpated. Annual counts made at Clough Dam on Mill Creek from 1953 to 1963 ranged from 417 to 2,269 adults. In 1964, 1,006 adult steelhead were counted at Vina Dam on Deer Creek.

In 1993, fish counters were installed at Clough and Vina dams (Harvey, 1995). The counters, although not operated continuously due to malfunction and high flows, were in place from mid-October, 1993 to mid-January, 1994. Historically, approximately 60% of

Table 5. Upper Sacramento River adult steelhead harvest and population estimates.

Year	RBDD Counts	Estimated Harvest	Coleman Escapement	Natural Escapement	Natural Run Size
1967	15,312	2,450	1,532	11,330	13,488
1968	19,615	3,138	3,229	13,248	15,771
1969	15,222	2,436	4,939	7,847	9,342
1970	13,240	2,118	4,406	7,706	8,423
1971	11,887	1,902	3,742	6,543	7,432
1972	6,041	967	1,486	3,588	4,272
1973	8,921	1,427	2,645	4,849	5,772
1974	7,150	1,144	1,834	4,172	4,967
1975	5,579	893	1,099	3,587	4,271
1976	8,902	1,424	2,162	5,316	6,328
1977	6,099	976	2,069	3,054	3,636
1978	2,527	404	697	1,426	1,697
1979	3,499	560	865	2,074	2,469
1980	11,887	1,902	4,264	5,721	6,811
1981	3,363	538	1,118	1,707	2,032
1982	2,757	441	1,275	1,041	1,239
1983	3,486	558	938	1,990	2,369
1984	2,036	326	529	1,181	1,406
1985	4,489	718	2,084	1,687	2,008
1986	3,769	603	2,229	867	1,032
1987	2,963	474	1,176	1,313	1,563
1988	1,872	300	915	657	783
1989	470	75	492	0	0
1990	2,272	364	1,319	589	702
1991	991	159	991	0	0
1992	4,032	645	870	2,517	2,996
1993	1,511	242	805	464	553
Avg.	6,292	1,007	1,830	3,465	4,125

the run passed the fishways on these dams during this time period (Hallock 1989). Fourteen steelhead were visually counted on Mill Creek, which yields a total estimate of 28 adult

steelhead passing Clough Dam. On Deer Creek, zero steelhead were observed during this same time period. Because the counters were not operated continuously, these estimates should be considered minimum estimates. It is clear, however, that there has been a tremendous decline of steelhead in these two streams.

Impacts to natural and hatchery-maintained stocks in the Sacramento River system are due mostly to water development: inadequate instream flows caused by excessive water diversions for irrigation; rapid flow fluctuations due to water conveyance needs; lack of cold water releases from reservoirs; loss of spawning and rearing habitat due to dams which block access; and entrainment of juveniles into unscreened or poorly screened diversions. The operations of the Federal Central Valley Project and the State Water Project, particularly the pumps in the south delta, may have a detrimental effect on steelhead smolts in the Sacramento-San Joaquin delta/estuary.

STOCKS

Steelhead stocks in the Central Valley are all winter steelhead. Hallock et al. (1961) found that adult steelhead migrate into the upper Sacramento River during most months of the year. They begin moving through the main stem in July, peak near the end of September, and continue migrating through February or March (Bailey 1954; Hallock et al. 1961). An analysis of counts made at RBDD from 1969 through 1982 follow the same time pattern, although some fish were counted during April and May (Hallock 1989). Bailey (1954) also noted a few steelhead trapped in June at Fremont Weir on the main stem Sacramento (about 28 miles upstream from the City of Sacramento). Central Valley steelhead spawn mainly from January through March, but spawning can begin as early as the latter part of December and can extend through April (Hallock et al. 1961).

A compilation of weekly counts made at Clough Dam on Mill Creek from 1953-54 through 1962-63 also shows a similar migration pattern (Hallock 1989), with the peak of the run arriving in mid-November. There is a second peak in February, however, which is not reflected in the counts made in the main stem (Bailey 1954; Hallock et al. 1961) nor the counts at RBDD (Hallock 1989).

There are indications in early, pre-dam fish counts that summer steelhead may have been present in the Sacramento River system. Needham et al. (1941) reported 36 steelhead passing through a fishway near Redding from April 17 through September 1. Counts made at the Old Folsom Dam fishway from 1943 through 1947 showed that the bulk of the run migrated through the American River in May, June, and July (Anonymous 1953). There are no summer steelhead in the Sacramento River system today. Because of their need to over-

summer in deep pools in the headwaters, they would have been eliminated with the commencement of the large-scale dam construction period of the 1940's, 50's, and 60's.

There is no information on run timing or life history of the San Joaquin River stocks. Sixty-six steelhead observed from October 1 through November 30 at Denet Dam on the Tuolumne River in 1940 (DFG unpublished data) indicate that winter steelhead were present. It is not known, however, if counts were made after December 2, the last date noted on the count report form. The presence of spring-run chinook salmon in this system indicates that suitable over-summering habitat and other conditions were available to support a summer steelhead population.

Today, the hatchery runs in the Sacramento River system are probably a highly introgressed mixture of many exotic stocks introduced in the early days of the hatcheries. Beginning in 1962, steelhead eggs were imported into Nimbus Hatchery from the Eel, Mad, upper Sacramento, and Russian rivers and from the Washougal and Siletz rivers in Washington and Oregon, respectively (McEwan and Nelson 1991). Egg importation has also occurred at other Central Valley hatcheries.

SOUTH COAST

DISTRIBUTION

Southern steelhead (those occurring south of San Francisco Bay) were formerly found in coastal drainages as far south as the Santo Domingo River in northern Baja California (Needham and Gard 1959) and were present in streams and rivers of Los Angeles, Orange, and San Diego counties (Hubbs 1946; Evans 1950) (Figure 8). At present, Malibu Creek in Los Angeles County is the southern-most stream containing a known spawning population. There have been unconfirmed reports of adult steelhead entering coastal streams of San Diego County, (Tom O'Riley, Southwest Council Federation of Flyfishers, pers.comm.) and there may be remnant populations present in isolated headwaters in Los Angeles, Orange, and San Diego counties. Many of the larger rivers have impassable dams and diversion structures in their lower reaches, consequently access to headwater tributaries has been severely reduced.

STATUS

Southern steelhead stocks are the most jeopardized of all of California's steelhead populations: numbers have declined drastically in nearly all southern streams. The *California Fish and Wildlife Plan* estimated an annual spawning escapement of 59,750 steelhead for coastal areas south of San Francisco Bay. A current estimate of steelhead abundance for this area is not available.

The precipitous decline of southern steelhead is well documented by Titus et al. (in press). They extensively reviewed agency files and other sources of information regarding southern steelhead and summarized the status of populations. Of 122 streams south of San Francisco Bay whose status could be assessed (and were known to have contained a steelhead population), they concluded that 20% of the streams had populations that had not declined significantly from historical levels; 47% had populations with reduced production from historical levels; and 33% no longer supported steelhead populations.

Titus et al. (in press) also found that status varied on a latitudinal gradient: the percentage of streams within each county with steelhead present at or near historical levels decreased from north to south, while the percentage of streams with extinct populations increased over the same gradient. The percentage of extinct populations ranged from zero in San Mateo and Santa Cruz county streams in the north to 92% in Orange and San Diego counties and Baja California in the south (the "unknown status" assigned to the Santo

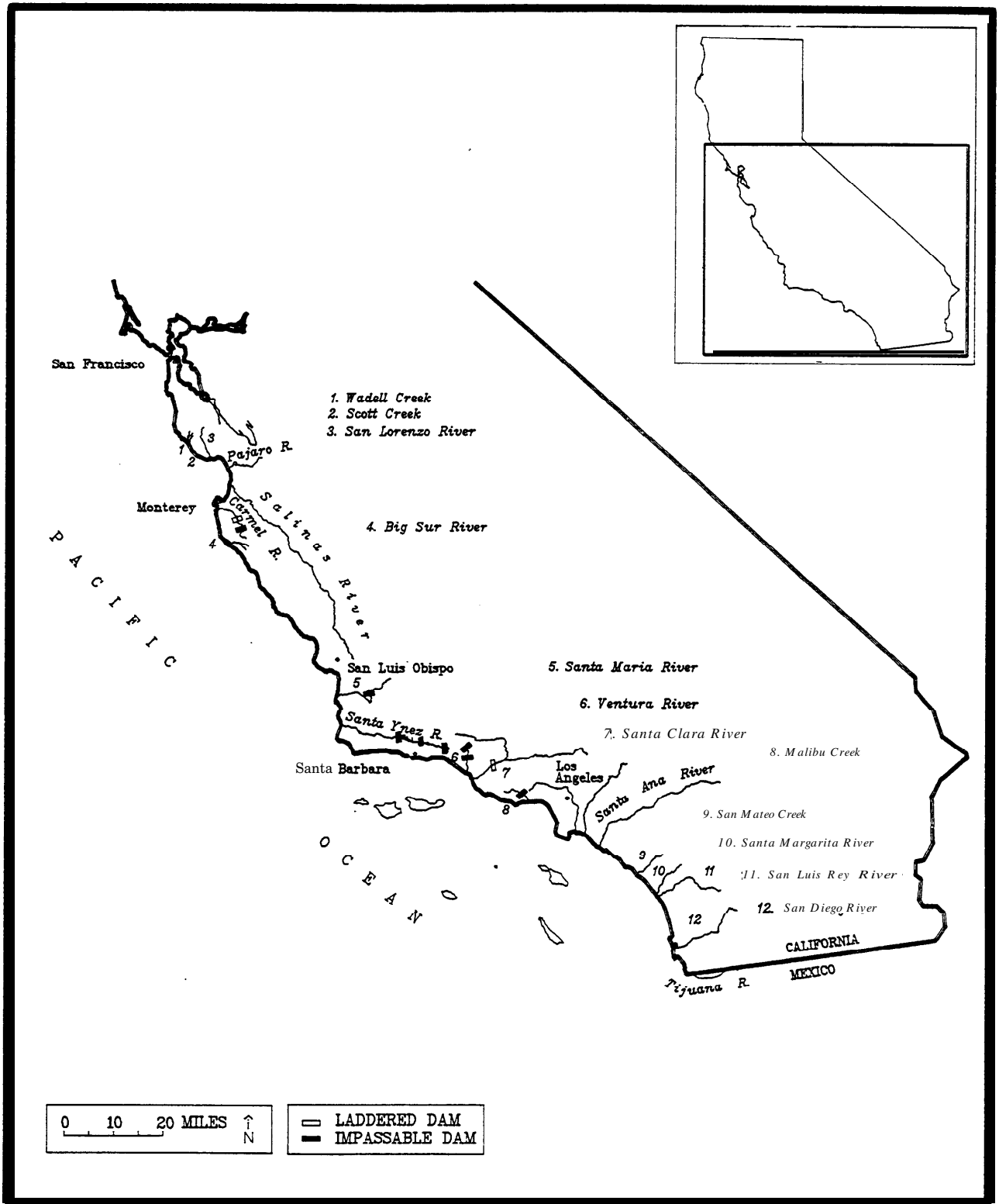


Figure 8. Coastal rivers and streams south of San Francisco Bay.

Domingo River in Baja California accounts for the 92% rating - if this population is extinct, then the percentage of extinct populations is 100%).

Shapovalov and Taft (1954) found that the average run size of adult steelhead in Waddell Creek from 1933-34 to 1941-42 was 432 and ranged from 373 to 539. Because all migrating steelhead had to pass through the trap to continue their migration, these figures could be considered absolute numbers. Some steelhead were able to jump over the dam during high flood waters and some steelhead spawned below the dam and trap, however. Current run sizes in Scott and Waddell creeks are not available, although the populations seem to be stable (Dave Streig, Manager, Big Creek Hatchery, Monterey Bay Salmon and Trout Project, pers. comm.). The headwaters of these streams are still fairly protected, however, Scott Creek suffers from heavy water diversions (Marston 1992).

Titus et al. (in press) presented a detailed review of the degradation of the Pajaro River, as documented in DFG files. Snyder (1913, as cited in Titus et al. in press) collected rainbow trout, presumably steelhead, at four sites in the main stem Pajaro River in the earlier part of this century. Rainbow trout were also present in the main stem during a 1934 DFG survey. No rainbow trout were captured in a lower portion of the river when sampled by DFG in 1959, although adult steelhead were reportedly taken by anglers in the lagoon in 1962. The 1963-64, 1964-65, and 1965-66 run sizes were estimated to be 1,500, 1,000, and 2,000 adults, respectively. Smith (1982, as cited in Titus et al. in press) did not find juvenile steelhead at the four main Pajaro River sites where they were collected by Snyder in the early part of the century, citing the degradation of spawning and rearing habitat as the likely cause. By 1983, the steelhead population of the Pajaro River had been reduced to a remnant run (Snider 1983).

The Carmel River is a good example of how fast an anadromous fish population can decline to the point of near extirpation. Snider (1983) estimated the mean production of steelhead in the Carmel River during 1964 to 1975 to be 3,177 sea-run fish, about 25% of historical levels. The mean number of adults counted at the San Clemente Dam fish ladder during this 12-year period was 821 fish per year¹ (Fig. 9). During the drought years of 1976 and 1977, zero adults were observed using the fish ladder. During the three-year period from 1988 to 1990, the river never breached the sand bar at the mouth, hence the river was inaccessible to adult steelhead. One adult was observed in the ladder in 1991, 14

¹ The actual annual count is a summation of daily instantaneous counts of adult steelhead in the pools of the ladder, hence these counts should be considered trend or index counts rather than total fish counts.

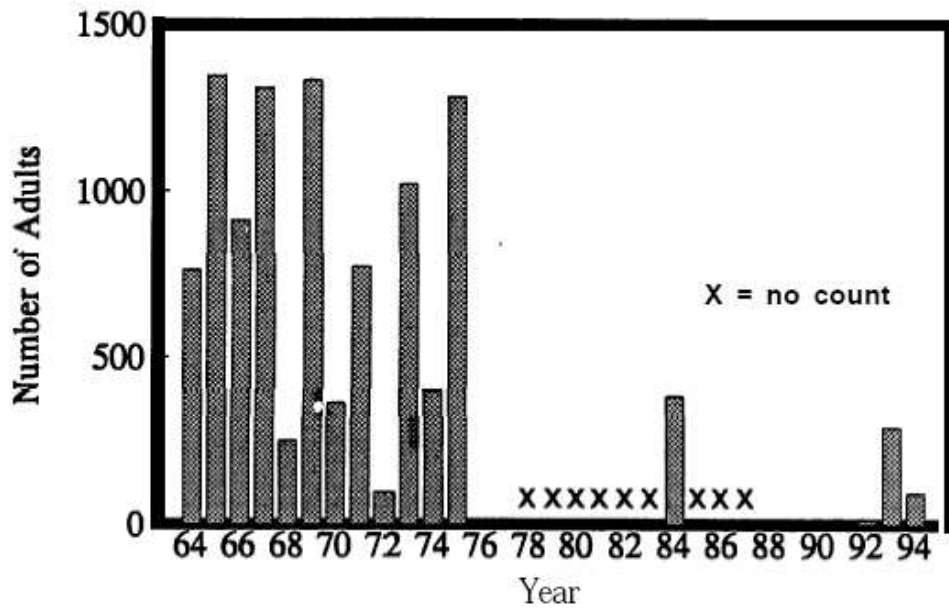


Figure 9. Adult steelhead counts at San Clemente Dam on the Carmel River, 1964-1994. Counts are a summation of daily instantaneous counts of steelhead in the fishway.

adults in 1992, and 285 adults in 1993. In 1983, Snider (1983) reported that the Carmel River steelhead fishery supported over 10,000 angling-hours per year. Ten years later, the Fish and Game Commission voted to close the Carmel River below Los Padres Dam to all angling to protect the remnant steelhead run.

Much of the coastline of southern Monterey and San Luis Obispo counties is relatively undeveloped, hence many of these small coastal streams still contain steelhead populations. Status of populations in these streams range from healthy in the relatively undisturbed streams in southern Monterey and northern San Luis Obispo counties, to severely depressed or extirpated in the Morro Bay/San Luis Obispo urban area. The largest populations of steelhead in this region are probably in the Little Sur or Big Sur rivers (Robert Titus, DFG Associate Fishery Biologist, pers. comm.). Although an accurate estimate of annual spawning escapement is not available, the population in the Big Sur River is probably on the order of hundreds of adults. (Robert Titus pers. comm.).

Shapovalov (1945) reported the 1943-44 steelhead run size in the Santa Ynez River, the largest of southern California rivers, to be from 12,995 to 25,032 adults. Although this was a cursory estimate based on a visual comparison to the S.F. Eel River steelhead run, it does attest to the large size of this run, which was already reduced from former times

because of forest fires in the watershed (Shapovalov 1945) and construction of dams in the upper watershed. The large size of this run is also indicated by a California Division of Fish and Game rescue of 1,036,980 juvenile steelhead from the partially dry bed of the Santa Ynez River in 1944 (Shapovalov 1945). Anglers reported catching large rainbow trout, presumably steelhead, in the main stem of the river below Bradbury Dam (Lake Cachuma) and in several tributaries in 1993 and 1994. Large rainbow trout (16 to 22 inches) were observed in the mainstem and several tributaries in 1993 and 1994 (CDFG 1993c; CDFG 1994a; Trautwein 1994). There has been some dispute over whether these fish are anadromous or have been introduced to the river by spillage from Lake Cachuma.

Historically, steelhead existed in most of the streams of the Santa Barbara County Coast (Titus et al. in press) and remnant populations may still exist. Rainbow trout can still be found in many of these streams, such as Arroyo Hondo, Gaviota, San Jose, Rattlesnake, and Carpinteria creeks (Maurice Cardenas pers. comm.). There is evidence that successful steelhead reproduction has recently occurred on Gaviota Creek: the presence of juvenile rainbow trout was documented by a DFG stream survey crew (Sibbald et al. 1994). Numerous young-of-the-year were observed and several larger juveniles, ranging from 188 to 255 mm, were captured and examined. These larger juveniles exhibited faded parr marks, a silvery appearance, and other characteristics of smolting steelhead.

Clanton and Jarvis (1946) reported that a minimum of 2,000 to 2,500 adults spawned in Matilija Creek, a tributary of the Ventura River, and they believed that this represented 50% of the total number of adults entering the Ventura River. On May 5, 1991, approximately 14 to 25 adult steelhead were observed in the Ventura River estuary by an Environmental Protection Agency biologist and several others (Leidy 1991). This was the first documented observation of steelhead in the Ventura River in several years. There is also a reliable report from an angler who observed two adult steelhead in the lower river in January 1993.

There is little information regarding historical run size of steelhead in the Santa Clara River system, although Hubbs (1946) reported that there were "large and consistent runs into the Ventura and Santa Clara rivers". Moore (1980b) estimated the historical run size to be around 9,000 fish by comparing it with the Ventura River system. During the course of a two-year study beginning in 1982, Puckett and Villa (1985) documented the presence of six adult steelhead in the Santa Clara River. In 1994, one adult steelhead and 83 outmigrating smolts were observed at the Vern Freeman Diversion Facility (CDFG 1994a).

A few adult steelhead return annually to Malibu Creek, although the run size is unknown. Populations of presumably native coastal rainbow trout/steelhead persist in Arroyo

Sequit (Maurice Cardenas, DFG Fishery Biologist, pers. comm.) and possibly other coastal streams of the Santa Monica mountains.

Hubbs (1946), reported steelhead runs in San Mateo, San Onofre, and San Juan creeks and in the San Diego, San Luis Rey, and Tijuana rivers of Orange and San Diego counties. Evans (1950) reported that the lower reaches of the Santa Ana River sustained a good steelhead run before it was eliminated by excessive water diversions. Persistent runs no longer occur in streams and rivers of Orange and San Diego counties, although there continues to be infrequent anecdotal reports of large rainbow trout in the lower reaches of some of these streams in wet years.

Major impacts to southern steelhead populations are from urbanization and other watershed disturbances, blocked access to headwater spawning and rearing areas, and partial and total dewatering of streams by water diversions and groundwater pumping. Those stocks south of and including the Santa Ynez River have been impacted the greatest and are the most imperiled.

Water development appears to be the primary cause of localized extinctions and decline in numbers within southern steelhead populations. Titus et al. (in press) found that 35% of the southern steelhead populations reviewed were negatively impacted by water diversions, 24% by dams lacking functional fishways; 18% by artificial barriers other than dams (such as impassable culverts and bridge supports) and 5% from stream channelization. Overall, 21% of the 165 populations reviewed were impacted by blocked access to spawning and rearing tributaries due to main stem impediments.

Most of the remaining southern steelhead stocks are on the verge of extinction. Perhaps the most striking aspect of the decline of southern steelhead is that, in the span of a few decades, the known southern limit of steelhead in North America has moved several hundred miles northward from the Santo Domingo River in northern Baja California to Malibu Creek in Los Angeles County. Reduction in population and localized extinctions continue to creep northward and are concomitant with urban development and an increasing demand on water resources (Titus et al. in press).

STOCKS

Aside from the steelhead populations in Scott and Waddell creeks in Santa Cruz County, southern steelhead are not well studied. They are winter steelhead: adults enter fresh water in fall, winter, and spring, and spawning takes place mostly in winter, although late arriving steelhead spawn shortly after they enter fresh water in spring.

Shapovalov and Taft (1954) found that steelhead began moving into Waddell Creek in late October and November and continued through late April and May. The bulk of upstream migration occurred January through March. They also found that some steelhead entered the stream with the first opening of the sandbar at the mouth of the stream, whenever that occurred. This suggests that the fish wait very near the mouth of the stream until the sandbar opens. Snider (1983) reported that the upstream migration of Carmel River steelhead occurred between January and April. Smith (1986) reported that steelhead migration in southern coastal streams occurs primarily during January, February, and March. Shapovalov (1944b) found that steelhead enter the Santa Ynez River following the first heavy rains of the wet season; the largest numbers entering December through March.

Moore (1980a) found that the warmer, more productive waters of the Ventura River resulted in more rapid growth of juveniles, compared with more northerly populations. This relatively high growth rate allows juvenile southern steelhead to achieve smolt size and emigrate to the ocean after only one year in fresh water (Moore 1980a), a relatively short time period compared to more northerly populations in California and the Pacific Northwest where two- and three- year old smolts predominate (Withler 1966).

More so than in more northerly populations of steelhead, southern steelhead migration is contingent upon rainfall and stream flow. Average annual rainfall is substantially lower and more variable in southern California, which results in the formation of sandbars across the mouths of streams and, in some cases, the complete dewatering of the lower reaches during the dry season. Southern steelhead are more dependent on storm events to open migration corridors than are more northerly populations.

Southern California is at the southern periphery of steelhead natural range, hence environmental conditions that are suboptimal for rainbow trout may occur more frequently than in areas further north. Ecological theory suggests that in environments near the limits of a species' range, physiological, behavioral, and dispersal mechanisms may exist to allow the persistence of populations in an environment that may be suboptimal.

Conditions in marginal habitats may be extreme, and these unavoidable adverse conditions may select for extreme genetic characteristics (e.g. high thermal tolerance) in a population occupying such habitat (Thorpe 1994). The warm water temperatures of southern California streams, in some cases much higher than the preferred range for rainbow trout, would suggest that they can withstand higher temperatures. Southern steelhead populations may be particularly important as genetic stocks that are better adapted to warmer water conditions than more northerly populations (Swift et al. 1993).

The apparent lack of genetic differentiation between resident rainbow trout and steelhead populations occupying the same stream systems indicates that there is substantial gene flow between these two forms. Spawning between the two forms is not uncommon (see page 24) and it is possible that anadromy in a stock may be preserved by resident fish. Ocean migration of resident forms has been known to occur in rainbow trout (Shapovalov 1951; Needham and Gard 1959; Fry 1973) and brown trout (*Salmo trutta*) (Frost and Brown 1967, as cited in Jonsson 1985; Jonsson 1985). It appears that the potential for anadromy may be maintained in a resident rainbow trout population inhabiting the perennial headwaters of a stream system that is isolated from the ocean for long periods of time due to drought. If this is the case, then when access to the ocean is restored, anadromy could be re-established by emigration of resident rainbow trout or their progeny.

This may be an important survival mechanism in semiarid regions where multi-year droughts are not uncommon. However, this mechanism is contingent upon maintenance of periodic access to headwater "refugia". On many southern California streams, dam construction has permanently eliminated access to headwaters, which has resulted in extirpation or severe declines of the anadromous forms.

Variability in other life history traits, such as adult migration timing, would also be advantageous in coping with variable rainfall patterns, low flows, high flows of short duration, and prolonged droughts.

In the natural disaster prone environment of southern California, severe habitat alteration and localized extinction of rainbow trout populations were probably natural and recurring events. Natural disasters such as droughts, floods, and fire are common occurrences in southern California. The ability to rapidly recolonize affected habitat when suitable conditions are reestablished is an adaptation to the periodic unsuitability of habitat in an unstable environment. Steelhead from unaffected populations in nearby stream systems can serve as source populations for recolonization. Adult steelhead are known to stray from their natal streams to spawn in nearby streams and, in hydrologically variable streams (such as those in southern California), straying is likely to be more prevalent than in less variable streams (Quinn 1984).

Recolonization of affected habitat and long-term persistence of steelhead populations in the southern California environment is contingent upon maintenance of access to headwaters. On stream systems where there is no longer access because of dams and other man-made barriers, localized extinctions resulting from natural events have become permanent.

A good example of this appears to have occurred on Rincon Creek in Santa Barbara County where an impassable highway culvert was installed in the stream near its confluence with the Pacific Ocean. Despite good instream habitat, an intact riparian zone, and adequate summer flows in the headwaters, rainbow trout and other native fishes no longer exist in Rincon Creek (Maurice Cardenas, DFG Fisheries Biologist, pers. comm.). A relatively abundant steelhead/rainbow trout population exists in the adjacent Carpinteria Creek system, which does not have significant migration barriers, although other native fishes appear to be absent (Maurice Cardenas, DFG Fisheries Biologist, pers. comm.). There is documentation of steelhead in the Rincon Creek system in the 1950's and earlier (Titus et al. in press).

The absence of rainbow trout/steelhead in Rincon Creek and the absence of other native fish species in both Rincon and Carpinteria creek systems suggest that a catastrophic event eliminated fish populations from these systems within recent history. One such event, the Wheeler Fire of 1985, burned 40% and 30% of the Rincon and Carpinteria creek watersheds, respectively. Subsequent storms transported and deposited tons of sediment into the stream channels. Once recovered, however, these streams can again support rainbow trout/steelhead populations if migration corridors are not blocked, as evidenced by the presence of juvenile steelhead/rainbow trout in the Carpinteria Creek drainage.

The extreme variability in habitat conditions, warmer water temperatures, and location of southern steelhead populations on the periphery of the steelhead range suggest that these fish contain unique genetic adaptations. Recent mitochondrial and nuclear DNA analysis has shown that southern steelhead are genetically distinct from northern populations (Nielsen 1994).

Nielsen (1994) identified 13 mitochondrial DNA (mtdna) types throughout California. Analysis of both mtDNA and nuclear DNA showed significant genetic frequency differences among three biogeographic zones: north coast, central coast, and southern California (Nielsen et al. in press). Two mtDNA types were significantly associated with steelhead/rainbow trout from southern California streams.

Nielsen's study also made three other important findings regarding the uniqueness of southern steelhead stocks:

- Coastal rainbow trout in southern California retained a high level of genetic diversity of mtDNA types, indicating that southern steelhead may be a more ancestral population than northern populations.

- Significant genetic diversity remained in southern steelhead populations, despite the accelerated population declines that had occurred in the last 50 years (Nielsen et al. in press).
- Anadromous steelhead adults and landlocked populations above dams were shown to carry mtDNA types common only to southern steelhead. This indicates that unique genetic stocks were present in southern California prior to extensive water development and isolation of upstream steelhead populations, which suggests that the genetic integrity of southern steelhead stocks has not been compromised by hatchery management activities.

PART III: MANAGEMENT PLAN

A fishery management plan should address the three components of a fishery: the fish population, its habitat, and the human user. In situations where a fish population is declining primarily because of habitat degradation and loss, most attention should be focused on habitat restoration and alleviation of factors leading to decline of habitat. This is the case with steelhead in California. For this reason, this management plan focuses primarily on habitat restoration.



A day's catch of steelhead from the Ventura River, 1946. Photo courtesy of Mark H. Capelli

HABITAT RESTORATION

WATERSHED INTEGRITY

River systems are inextricably linked to the processes which shape and maintain their watersheds. Salmonid habitats within river systems are products of the geology, soils, topography, vegetation, climate, and hydrology of a watershed (Meehan 1991). Natural events and land-use activities in a watershed can dramatically affect a river system and its biota.

The catastrophic 1964 north coast flood is often cited as an example of a natural event that drastically altered the structure, function, and aquatic biota of a major river system, the Eel River. In reality, it is a good example of how natural forces and poor land-use practices can combine to cause severe impacts. The 1964 storm provided the energy to mobilize slopes and soils destabilized by decades of poor land-use practices. The massive amounts of sediments transported down-slope and downriver have aggraded the stream channel, filled-in pools, and created other conditions from which the aquatic habitats of the Eel River have not yet recovered.

Though not as impressive in scale as major flooding events or other natural processes, land-use activities that result in incremental degradation of river system environments are much more prevalent and have the potential for greater cumulative impacts. Historically, activities associated with logging, road construction, urban development, mining, livestock grazing, and recreation have reduced the quality of fish habitat by changing streambank and channel morphology, altering water temperature, degrading water quality, and blocking access to spawning areas. These activities have also caused a decrease in water retention of the watershed, which results in increased wet season flows and diminished dry season flows; and an increase in sediment loads, which results in scour, smothered spawning gravels, in-fill of pools, and aggradation of streambeds. In some instances, changes in the watershed can alter habitat conditions to favor introduced fish species to the detriment of native ones. Concern over the effects of land-use activities (principally timber harvest and livestock grazing) on salmonid habitats have been raised since the late 1800s and attempts to effectively mitigate the damage began in the early 1900s. Mitigation efforts were significantly accelerated in the 1970s.

- Watershed restoration and protection must be a focal point of DFG's efforts to restore steelhead populations.
Watershed restoration and protection are basic prerequisites for restoring and maintaining naturally produced steelhead and other anadromous fish.
Establishment of conditions, constraints, and practices which maintain watershed

integrity, and restoration of problem areas which continue to degrade aquatic habitats, are of the utmost importance to restoring steelhead populations.

It is beyond the scope of this management plan to address specific watershed restoration activities that will restore steelhead populations and habitat. This will be left to basin or ecosystem plans. However, several general concepts and practices that will lessen the harmful effects from various land-use activities are discussed below.

Timber Harvest

Timber harvest and silviculture are major land-use activities that have severely degraded steelhead and other anadromous salmonid habitats. While current practices have improved, damage sometimes still occurs. Logging in riparian areas can have deleterious effects on salmonid habitats: removal of large trees can lead to bank instability, loss of instream cover, and a decrease in organic inputs, recruitment trees, and shading. Construction of roads and stream crossings within these areas can cause severe bank and soil disturbances and downstream sedimentation.

Under the current California Board of Forestry Forest Practice Rules, logging operations can reduce the overstory shading level by 50% in stream-side protection zones near Class 1 (fish bearing) streams. In some circumstances, more shade is necessary to maintain suitable temperatures and microclimates (Jim Steele, DFG Environmental Services Supervisor, pers. comm.).

Roads and skid trails constructed for timber harvest operations can be greater contributors of sediment to a stream than falling, skidding, and yarding combined (Furniss et al. 1991). Destabilized hillsides, road fill failures, erosion from roadbed surfaces, accelerated scour at culvert outlets, stream crossing failures, and other problems can become dramatic and persistent sediment inputs to a stream.

Recommendations

- ▶ Forest Practice Rules governing riparian zone protection on private timber lands should be implemented consistently so that the integrity of streams and associated riparian areas is maintained. Bank stability and adequate amounts of large woody debris, instream cover, and shade trees should be retained.

- ▶ Harvest of select trees in the riparian zone should be allowed only if habitat values (such as adequate large woody debris, cover, canopy, and water temperatures) and integrity of the stream can be maintained. The rules governing stream buffer zone widths should be determined on a site-by-site basis to provide protection for steelhead streams from timber harvest related activities. No new road construction in riparian zones should be allowed, except as needed to cross a stream.

- ▶ Greater protection should be given to headwater areas. Streams in these areas provide important spawning and rearing habitat for steelhead. Also, sediment produced in these areas can negatively affect all downstream habitats.

- ▶ Ephemeral streams should be protected from timber harvest impacts. These streams provide seasonal habitat and are important for maintaining adequate water temperatures, food, and large woody debris recruitment into permanent streams. Also, sediment generated from activity in these water courses will eventually be deposited in spawning and rearing habitat of perennial streams.

- ▶ "Light touch" timber harvest methods should be used wherever necessary to reduce ground disturbance. Skidding of fallen timber and yarding operations can increase soil compaction and exposure. This reduces the infiltration capacity of some soils, resulting in less water retention and increased runoff. Tractor skidding generally causes the greatest amount of soil disturbance; helicopter log removal the least. However, the amount of disturbance and degradation is highly dependent on the type of soil, equipment used, operator experience, and especially topography. For example, high-lead cable yarding (one end of the log is suspended, the other end is dragged) can cause greater soil disturbance on steep slopes than tractor yarding on flat terrain (Chamberlin et al. 1991).

- ▶ Unnecessary roads should be decommissioned, which entails removing the road fill and all culverts and restoring the natural slope. Road culverts should be properly sized and located to prevent culvert failure and road wash out.

- ▶ Index streams that are considered typical or representative of a specific area should be established and routinely monitored to assess the effects of timber harvest practices.

Post-logging aquatic habitat condition is the best indicator of adequate timber harvest practices (Chamberlin et al. 1991), yet very few thorough, long-term, documented assessments of habitat condition occur after timber is harvested.

The Federal Government has recently initiated efforts to resolve the impasse concerning timber harvest on Federal lands in California and the Pacific Northwest due to conflicts with Endangered Species Act protections for the northern spotted owl (*Strix occidentalis caurina*). The *Report of the Forest Ecosystem Management Assessment Team (FEMAT Report)* and the *Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (SEIS)* present an ecosystem approach to land management which attempts to resolve these conflicts while protecting declining species and terrestrial and aquatic habitats (U.S. Depts. of Agriculture and Interior 1993).

The selected option incorporates an Aquatic Conservation Strategy to protect and restore aquatic species and ecosystems on federal lands (Forest Ecosystem Management Assessment Team 1993). This strategy has five major elements:

1. Riparian Reserves to maintain ecological functions and protect stream and riparian habitat and water quality.
2. A network of Key Watersheds to protect at-risk fish stocks or basins with outstanding water quality.
3. Watershed Analysis to plan for further protection and management, including restoration.
4. Restoration to speed recovery of degraded habitats.
5. No new roads in designated roadless areas within Key Watersheds.

No timber harvest would be allowed within the Riparian Reserves and federal agencies would be required to minimize the impact of roads, grazing, and mining activities. Widths of Riparian Reserves are dependent upon the type of watercourse (permanently flowing - fish bearing; permanently flowing - non fish bearing; and intermittent). Protections for riparian and other areas are greater within the Key Watersheds and watershed analysis is required before any management activities can take place. No roads can be constructed in inventoried roadless areas, and it is recommended that existing road mileage within Key Watersheds be reduced.

Table 6 shows important summer steelhead streams within watersheds proposed for Key Watershed Designation. Implementation of the Aquatic Conservation Strategy and the establishment of Key Watersheds will provide major benefits to stream systems used by 96% of California's summer steelhead populations, 55% of naturally-produced spring-run chinook salmon, and a majority of sea-run cutthroat trout (*O. clarki*) (Calif. Dept. of Forestry and Fire Protection 1993).

Federal land management agencies have recognized the need to protect and restore aquatic habitat to stem the decline of anadromous fishes due to habitat degradation from land-use activities. They have established an ecosystem-based strategy to arrest the degradation and begin restoration of aquatic habitat and riparian areas in fish producing watersheds. This strategy, termed PACFISH, is intended to improve aquatic habitat conditions on U.S. Forest Service (USFS) and Bureau of Land Management (BLM) administered lands outside the range of the northern spotted owl. In California, this includes Lassen and Los Padres National Forests and BLM's Bakersfield and Ukiah Districts.

Table 6. Important summer steelhead streams benefitting from Key Watershed designation.

Klamath River Tributaries

Red Cap Cr.
Bluff Cr.
Elk Cr.
Dillon Cr.
Clear Cr.
Salmon Cr.
Wooley Cr.

Eel River Tributaries

M.F. Eel R.

Smith River Tributaries

N.F. Smith R.
M.F. Smith R.
S.F. Smith R.

Trinity River Tributaries

N.F. Trinity R.
S.F. Trinity R.
New R.
Canyon Cr.

PACFISH focuses on the maintenance and restoration of entire watersheds; specifically, those features required for healthy aquatic ecosystems: cool water temperatures, adequate amounts of woody debris, reduced sedimentation, increased streambank stability, and appropriate pool habitat attributes. Components of the strategy include: identifying and

analyzing Key Watersheds; determining goals, site-specific riparian management objectives, and associated standards and guidelines; creating riparian habitat conservation areas; and restoring watersheds.

USFS and BLM are developing geographic-specific Environmental Impact Statements (EIS) and analyzing long-term management strategies. The EIS's may result in amendments to BLM land-use plans and USFS forest plans to provide greater protection and restoration of anadromous fish habitats in fish-producing watersheds. While the EIS's are being developed, USFS and BLM are implementing an interim policy so that restoration can begin immediately.

- The implementation of the Aquatic Conservation Strategy and the establishment of Key Watersheds will be a major step in protecting and restoring steelhead stocks that are declining due to watershed-related impacts.

Grazing

Livestock grazing is another major land-use activity that can have detrimental effects on streams. The general consensus among researchers is that improper or excessive livestock grazing degrades riparian and aquatic habitats, resulting in decreased production of salmonids (Platts 1991). Effects can range from changing or reducing riparian vegetation to eliminating it altogether. Impacts to the stream can result through physical trampling of the streambank, channel widening and aggradation, and downcutting, which lowers the surrounding water table. Overgrazing upland areas can cause excessive erosion and increased sediment inputs to the stream, which can have detrimental effects on downstream areas.

The Clean Water Act of 1977 requires states to identify nonpoint sources of water pollution, including those from livestock grazing, and develop Best Management Practices to restore and maintain water quality for domestic use, agricultural use, and fish and wildlife. The Clean Water Act is only one of many laws that requires change and improvement in the way that watersheds and riparian areas are grazed.

There are several grazing management strategies designed to improve and restore rangelands and protect riparian and aquatic habitats. These strategies range from total exclusion of livestock from certain areas, to limiting the season, duration, or intensity of grazing.

Recommendations

- ▶ Grazing management plans developed for a specific area should: limit grazing intensity so that adequate plant vigor, regrowth, and energy storage is maintained; ensure that there is sufficient vegetation during periods of high flows to protect streambanks, dissipate energy, and trap sediments; and limit timing of grazing to prevent damage to streambanks when they are most vulnerable to trampling.

- ▶ On public lands, cattle should be excluded from riparian areas where they are inducing damage through erosion, trampling, or water quality impairment.

- ▶ DFG should continue to support reducing the permit tenure for livestock operators on public lands to five years or less.
This would facilitate recovery of degraded range and riparian lands by excluding from renewal operators that demonstrate harmful practices (CDFG 1994b).

- ▶ Federal land managers need to fully implement and enforce existing laws, policies, and requirements to protect public lands from harmful grazing practices.
The success of new grazing strategies that are developed and implemented to protect and restore public land will depend upon proper enforcement.

- ▶ DFG should continue to pursue cooperative programs with landowners to improve conditions in riparian corridors on private lands.

STREAM RESTORATION

Instream Flows

There are many streams and rivers in California where water has been over-appropriated. This is a major cause for the current decline of steelhead (and other aquatic species in general) in California (California Advisory Committee on Salmon and Steelhead Trout 1988; CDFG 1990; CDFG 1992a). Flow depletions are not as extreme during periods of ample precipitation, but the recent six-year drought has demonstrated that there is virtually no water to spare for instream uses in many areas of the State.

There are several state and federal laws which provide for the protection of streamflows:

- Fish and Game Code 5937: Mandates that sufficient water be released below any dam to keep fish that exist below the dam in good condition.
- Fish and Game Code 1601 and 1603: States that persons, public agencies, utilities, etc. must notify DFG of plans to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of rivers, streams, and lakes. DFG will submit proposals to reduce or mitigate impacts from the proposed project.
- Fish and Game Code 6900 et. seq.: Declares that it is a policy of the State to significantly increase the natural production of salmon and steelhead trout and that existing natural salmon and steelhead habitat is not diminished further without offsetting impacts of the lost habitat.
- California Water Code 1243: Declares that the use of water for preservation and enhancement of fish and wildlife resources is a beneficial use. Requires the State Water Resources Control Board (SWRCB) to notify DFG of any application for permit to appropriate water.
- California Water Code 1707: A new law passed by the California Legislature and signed by the Governor in 1991, it authorizes a water right owner to petition the SWRCB for a change for purposes of preserving or enhancing wetlands, habitat, fish, and wildlife. It authorizes the SWRCB to approve the petition, regardless of whether the proposed use involves a diversion of water. In other words, the law allows for an existing water right to be left in the stream to

benefit fish and wildlife, instead of being diverted for consumptive, or out-of-stream uses.

- **Public Trust Doctrine:** Under this doctrine, title to tidelands and lands under navigable water are held in trust by the State for the benefit of the public. Acquired rights in navigable streams, lakes, and tidelands are subject to the trust and assert no vested right in a manner harmful to the public trust. The Public Trust Doctrine requires the SWRCB to "balance" the potential value of a proposed or existing diversion with the impact on the trust resources. Fish and wildlife are public trust resources in the custodial care of DFG.
- **California Wild and Scenic Rivers Act:** Declares that water is generally not available for appropriation by diversion from, or storage in, a designated Wild and Scenic River, unless approved by an initiative of the voters or a two-thirds vote of the California Legislature.
- **Fish and Game Commission Water Policy:** Declares that it is a policy of the FGC that the quantity and quality of the waters of the State should be apportioned and maintained to produce and sustain the maximum numbers of fish and wildlife. Requires that DFG review and comment on proposed water development projects and applications for use; recommends and seeks adoption of proposals necessary or appropriate for the protection and enhancement of fish and wildlife and their habitats; opposes the issuance of permits for, or authorization of, water projects which do not adequately prevent or compensate for damage to fish and wildlife.

Article 10, Section 2 of the State Constitution declares that "water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented...". According to the State of California Water Code, the use of water for preservation and enhancement of fish and wildlife is a beneficial use. An appropriative water right cannot be obtained for this purpose, however, because water left in a stream is not controlled or diverted. In order for water to be appropriated, it must be controlled or diverted.

DFG is automatically notified when an application to appropriate water is submitted to the SWRCB. If it is the opinion of DFG that the appropriation may harm fish populations, DFG can protest the water right application and present terms for the dismissal of the protest. To protect steelhead resources, DFG must determine if steelhead occur, or historically occurred, in the affected reach and what flows are necessary to maintain steelhead populations. DFG can require the applicant to obtain this information.

Theoretically, the burden of proof that fish and wildlife resources will not be impacted by the appropriation is on the applicant. A major problem with this procedure, as with environmental document review in general, is that DFG does not have adequate personnel to review all water right applications to determine if there will be impacts (Cindy Chadwick, DFG Environmental Specialist, pers. comm.).

It is more difficult to obtain adequate releases from an existing water project than it is to obtain protective terms for a proposed appropriation. Essentially, the burden of proof to show that fish and wildlife are being impacted by an existing project is on DFG. If evidence obtained from population surveys, instream flow studies, water quality monitoring, etc. show that fish populations are being adversely affected from inadequate flow releases, then DFG can file a complaint with the SWRCB.

- DFG needs a more effective program with adequate staffing to review water rights and environmental documents, determine instream flow needs for specific streams, and pursue obtaining the necessary streamflows through regulatory and legal means.

A major problem with securing adequate flows for steelhead (and fish and wildlife in general) through the water rights process is that DFG is not adequately staffed to review all significant water rights applications and existing projects, determine if there will be, or are, adverse effects, and recommend conditions that will alleviate these effects.

The aforementioned laws and provisions notwithstanding, protection of instream flows is frequently inadequate. The Klamath River below Iron Gate Dam, the Sacramento River below Shasta Dam, the American River below Folsom Dam, the San Joaquin River below Friant Dam, the Santa Ynez River below Lake Cachuma, and the Ventura River below Casitas Dam are a few examples of former and present steelhead waters where severe environmental problems have resulted because of insufficient releases from upstream reservoirs. Although there have been several favorable court decisions affirming the protection of fish and wildlife under the Public Trust Doctrine, those resources held in trust in many areas of the State, such as the Sacramento-San Joaquin Delta/Estuary, continue to decline.

Recommendations

- ▶ As a trustee agency, DFG should make the greatest possible effort to protect and enhance fish and wildlife public trust resources through enforcement of applicable regulations.
In many areas, the best solution to the problem of declining populations of steelhead is an aggressive enforcement of Fish and Game codes and other laws designed to protect instream flows and spawning habitat. The greatest protection for steelhead habitat can be achieved by maintaining and protecting adequate streamflows.

- ▶ DFG should seek to augment instream flows through acquisition of riparian lands with water rights.

Instream Habitat

Adverse watershed effects from logging, grazing, road building, improper construction practices, and hydraulic mining have historically contributed greatly to instream habitat degradation and continue to do so. In addition, impacts to instream habitat from gravel mining, dredging, flood control, and bank protection projects are a major cause of current habitat loss and degradation. Natural events, such as floods, droughts, and forest fires, can also contribute to habitat degradation, though not as great in scope as human-induced impacts. Also, there are many areas in the state where artificial barriers have eliminated access to historic spawning and rearing areas.

- Maintaining healthy watersheds and sufficient flows must be our highest priority.
Site specific habitat restoration projects to remedy these problems can be myopic and early attempts at habitat restoration projects in the West met mostly with failure (Calhoun 1966; Reeves et al. 1991). Nevertheless, restoration projects to correct past and ongoing localized environmental perturbations are a necessary and valuable component of the restoration of a fishery, if they are incorporated into overall management and restoration objectives. However, habitat restoration is no substitute for habitat protection: the best remedy for habitat degradation is to avoid it in the first place.

Recommendations

- ▶ Restoration priority should be given to those projects that identify and correct problems that are most limiting to the target population. All habitat restoration project planning must recognize that wild fish production is controlled by discrete, limiting factors. During the planning phase of any project, those aspects of habitat that are most limiting to a particular population must be identified. For example, little benefit to a natural steelhead population can be obtained by increasing spawning success through gravel augmentation if inadequate summer flows limit rearing capacity for juveniles.

- ▶ Habitat improvement projects should be focused on the many areas throughout the State where steelhead habitat is severely degraded and restoration work is sorely needed. Habitat restoration projects that attempt to 1) correct problems created by watershed damage or 2) restore access to historic habitats through barrier modification or removal should receive the highest priority for funding. Instream habitat improvement projects that do not address the underlying cause of instream habitat damage or those that are for the purposes of enhancing populations in healthy streams or extending range beyond existing natural barriers will be given a lower priority. Range extension for purposes of mitigation for damaged habitat is not an adequate substitute for rehabilitating damaged habitat.

- ▶ Evaluation should be an integral part of all restoration or enhancement project designs. There is a scarcity of written documentation of past projects done throughout the western United States, and many have not been evaluated at all (Reeves et al. 1991). Evaluations are valuable and necessary for improving the chances of success of future projects and for maintaining a continuing body of knowledge about techniques and applications. DFG's Inland Fisheries Division has established a position whose function will be to evaluate restoration projects that are funded through the Fishery Restoration Program.

Policies, applications, and techniques for habitat restoration of steelhead streams and other anadromous salmonid streams are treated extensively in DFG's California Salmonid Stream Habitat Restoration Manual (Flosi and Reynolds 1994).

Mining

Current suction dredge mining regulations provide adequate protection for most steelhead spawning and rearing streams throughout the state. However, they may not be adequate to protect summer steelhead populations in several small Klamath River tributaries, such as Indian, Red Cap, Bluff, and Elk creeks. Dredging during the open season (July 1 through September 30) could be detrimental to adults that over-summer in these streams. Additional studies are needed to determine if impacts to summer steelhead populations are occurring.

The current regulations do not adequately protect southern steelhead populations, especially in that part of their range where populations are the most endangered. Coastal streams in Santa Barbara, Ventura, and Los Angeles counties are open year-round. All tributaries that are accessible to steelhead in the Santa Clara River system, (except a portion of Sespe Creek) are open year-round, as is the mainstem downstream of the Ventura-Los Angeles county line.

Recommendations

- ▶ The regulations governing suction dredge mining are insufficient to protect some critical steelhead populations. Additional restrictions, including closures, may be necessary.
- ▶ If new regulations are adopted, they should be carefully monitored to determine if they are adequate to protect steelhead populations from suction dredge mining impacts.
- ▶ DFG should work closely with the mining industry to develop alternatives that do not cause adverse impacts to fish.

Gravel mining is a problem on north coast streams, particularly on those streams south of Humboldt Bay. Mining operations on the Eel, Garcia, Tenmile, Navarro, Gualala, and Russian rivers have the potential to significantly affect steelhead populations (Richard Macedo, DFG Environmental Specialist, pers. comm.). Site and timing of the operation and methods used to extract the gravel determine the magnitude of the impacts. Obviously, those operations that occur in steelhead spawning areas during spawning periods will have the greatest impact.

The major problems associated with gravel mining are:

- Changes in bank configuration and channel confinement Removal of stream bank material can result in channel widening and a reduction in stream depth.
- Sediment inputs Exposed sediments can be more rapidly mobilized and transported into the stream by floods or rain.
- Stranding Mining operations often create pits and depressions that can strand juvenile fish when flows recede. This is a continual problem during periods of operation because stream bed restoration isn't done until the operation is closed.
- Reduction in gravel recruitment Removal of gravel may reduce the amount available to replenish spawning gravels. This is particularly a problem in areas where dams have severely reduced gravel recruitment.

Fish and Game Code section 1505 is essential for the protection of steelhead spawning areas. This code authorizes DFG to manage, control, and protect important specified spawning areas on state lands as necessary to protect fish life. Twenty-four general spawning areas are specified, including portions of the Trinity, Eel, Van Duzen, Mad, Middle Fork and South Fork Smith, and Salmon rivers and all of the South Fork and Middle Fork Eel, Mattole, Noyo, Big, Gualala, and Garcia rivers. The code specifies that, in the event of conflict with other public agencies, DFG's opinion shall prevail except for actions taken by the State Water Resources Control Board (SWRCB) in establishing waste discharge requirements, and actions required for commerce, navigation, bridge crossings, water conservation or utilization, and flood protection.

Fish and Game Code 1505 states that until ownership of any land in the specified area is determined, DFG shall disapprove any stream alterations of salmon and steelhead spawning areas when such alterations could prove deleterious to fish life. However, the State Lands Commission may have jurisdiction over streambeds and side channels that are under state ownership.

Recommendations

- ▶ DFG should adopt a uniform policy on gravel mining which should include the following:

- * Measures to maintain channel integrity and reduce stranding of juveniles as standard conditions of stream bed alteration permits.
 - * Seasonal restrictions to protect spawning adults and eggs and fry in the gravel.
 - * Stream bed alteration permits with measures necessary to insure that public trust values are protected.
- ▶ DFG will work with county governments to develop county-wide gravel mining policies and land-use plans that are consistent with Fish and Game Code sections 1505, 1601, 1603, and 6900 (see page 70).

Estuaries

It is well known that estuaries are very important rearing areas for juvenile salmonids (Shapovalov and Taft 1954; Smith 1990; Taylor 1992). Diversity and richness of habitat and food sources allow juveniles to attain a larger size before entry into the ocean, thereby increasing their chances for survival in the marine environment. Many of the fry of "ocean-type" chinook salmon, which begin emigration within weeks or a few months after emergence, are dependent upon estuary rearing to obtain smolt size (Healey 1991).

Steelhead populations in small coastal tributaries are more dependent upon the estuarine environment. This may be due to the limited rearing capacity in the headwaters of small stream systems and to the infrequent natural breaching of sandbars which form across the outlet of the estuaries or lagoons. Coots (1973) found that 34% of the juvenile steelhead seined from the San Gregorio Creek lagoon from mid-June through August 1971 (which maintained its outlet to the ocean for most of this time) were sub-yearlings less than 100 mm in length. Marston (1992) found that 50% of the juvenile steelhead inhabiting the Scott Creek lagoon in June and July 1992 were less than 90 mm in length and appeared to be pre-smolts. Smith (1990) analyzed scales from 27 adult steelhead collected from Pescadero Creek and found that 59% had reared in the lagoon. He also estimated that it would take eight stream miles to equal the numerical production of steelhead in the Pescadero lagoon.

Despite the need for permits required by DFG, the Coastal Commission, and the U.S. Army Corps of Engineers, artificial breaching of sandbars which form lagoons and estuaries regularly occurs (Smith 1990). Artificial breachings are done to alleviate flooding and salt water intrusion into ground water and surface diversions, and to provide beach access. In some instances, misguided anglers will breach sandbars on small streams to allow adults

access to the stream. This can have a detrimental effect on survival of juvenile steelhead. Subjecting pre-smolt steelhead to sudden immersion in salt water and the loss of rearing habitat associated with draining a lagoon or estuary can significantly decrease survival.

Recommendations

- ▶ DFG should continue to protect estuarine habitats by opposing non-emergency sandbar breachings so that habitat values are protected. Conflicts between maintaining flood control and water quality and maintaining the lagoon/estuary systems for natural values will undoubtedly continue. Protection and alleviation of conflicts can best be achieved by acquiring ownership or easements for the most sensitive areas.

- ▶ Methods to regulate lagoon levels that alleviate the need for artificial breaching should be developed and implemented. Recent listing and proposed listing of estuary and stream dwelling species under the Endangered Species Act will undoubtedly escalate the conflicts concerning lagoon management. Methods to partially drain lagoons before they reach flood stage, without breaching the sand bar and substantially draining the lagoon, need to be developed and implemented so that flooding and salt water intrusion can be controlled.

Land Acquisition

Acquiring lands or easements to protect critical areas should be a high priority. Competing uses and increased development pressure that will inevitably come with the increasing human population can negate most protections that are currently in place. Court decisions, federal, state, and local government land-use planning, and other protections that protect important steelhead habitats can be overturned in future court decisions or future planning processes. Ownership of a critical area is the most secure strategy for protecting habitat.

- DFG must identify critical steelhead habitats and begin steps necessary to acquire them. Priority should be given to acquisition of riparian lands that have water rights, stream reaches that support depressed native stocks, and estuaries.

- A high priority for use of "Proposition 70" money should be to acquire lands or easements to protect critical habitat.
A total of \$6 million for acquiring steelhead and wild trout habitat is potentially available from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 ("Proposition 70") (see page 127).

NATURAL AND ARTIFICIAL PRODUCTION

VALUE OF NATIVE AND NATURAL STOCKS

During the early part of this century when West Coast anadromous fishery management was in its infancy, there was little knowledge and appreciation of the complexity of adaptations, the differing life histories, and the number of distinct stocks that comprised a salmonid species. The need to maintain a diversity of stocks was not recognized. Maintenance of salmon and steelhead runs appeared easy: if a human activity caused the decline of a particular run, fish could be brought in from elsewhere or a hatchery could be built to maintain the run.

More recently, fishery managers, concerned anglers, and others have recognized the need to maintain the diversity and complexity of salmonid stocks. Reasons for this can be grouped generally into ecological, genetic, and aesthetic categories and are described below.

Maintain Biodiversity and Ecosystem Integrity. California's wide diversity of landforms and wetlands sustains a wide range of ecosystems, which in turn supports a diversity of species. Genetic diversity allows for the wide variety of forms and behaviors found among individual species, which is essential to survival in sometimes harsh, changeable environments. These diverse biological resources not only contribute to the economic health of the State but also help to sustain a high quality of living for its citizens.

Individual populations, or stocks, of anadromous salmonids are adapted to the local environmental conditions of their natal stream systems, hence, a wide range of genetic variability exists between them. Loss of individual stocks will most likely lead to loss of genetic diversity and ultimately to changes in genetic composition of the species as a whole (Nehlsen et al. 1991), and a reduction in biodiversity. It is at the stock level that conservation and rehabilitation of Pacific salmonids should take place (Rich 1939).

Protection of individual stocks necessitates protection of the freshwater habitat on which they depend. This results in benefits to many species and to the ecosystem as a whole.

Maintain Genetic Diversity for Future Adaptations. Genes are the "blueprints" for a stock's adaptations to its natal freshwater environment. Alleles are different forms of a gene which can produce different effects on a trait. These alleles may or may not be expressed but they can persist. Maintaining a wide diversity of alleles provides the genetic basis by which the population can respond to fluctuating environmental conditions.

Environmental conditions at the periphery of a species' natural range are generally suboptimal, thus these stocks have adaptations that allow them to survive and reproduce in suboptimal or harsh environments (e.g. steelhead in southern California streams). The genetic basis of these adaptations are part of the species' gene pool and can be disseminated throughout the range by straying.

Re-establish Genetic Variability in Hatchery Stocks. A major concern among botanists and agricultural scientists is "genetic erosion", or loss of genetic variability, in strains of domesticated plants used by agriculture, and the need to maintain the wild strains from which the majority of the world's food plants are derived (Rhoades 1991). Domestication of plants and animals, including hatchery fish, tends to reduce genetic variability and vigor over time. Maintaining wild stocks insures that there will be a reservoir from which to reestablish genetic variability in hatchery stocks, and to insure a supply of "traits" to be manipulated in future domesticated strains.

Maintain Populations Best Suited to a Local Environment. A stock's fitness to its local environment is achieved through thousands of years of evolution. Replacing a stock that has been extirpated may be difficult because substitutes may not have the necessary characteristics to survive in their new environment. The genetic heritage of a stock cannot be readily recreated or maintained in a hatchery (Moyle 1991a).

Aesthetics. There is a perception among many anglers that wild fish are superior to hatchery fish in terms of physical characteristics, survivability, and wariness. This perception is also supported in the scientific literature (Reisenbichler and McIntyre 1977; Helle 1981; National Council on Gene Resources 1982). To some, the fact that a wild fish was successfully angled and captured is aesthetically pleasing. Angling organizations such as Trout Unlimited and California Trout have been promoting the concept of wild trout fisheries for many years. There is presently an expanding constituency of anglers who fish for wild fish exclusively.

There are many experienced anglers who focus their attention on angling for particular stocks, such as the "blueback" steelhead of the central coast streams. There is also a growing constituency of non-anglers that appreciate the role and diversity of native fish by observing fish in the wild, or by simply knowing that a diversity of stocks and species exists as part of naturally functioning ecosystems.

GENETIC CONSIDERATIONS

To fishery managers, genetic conservation is as important to species preservation as is habitat conservation. Evolutionary biologists have known for some time the importance of genetic diversity: it is the "stuff" on which evolutionary change depends (Lewontin 1974, as cited in Krueger et al. 1981) and the amount of genetic diversity is positively correlated with the rate of evolutionary change by natural selection (Fisher 1930, as cited in Krueger et al. 1981). Experimental evidence for this relationship was provided by Ayala (1965, as cited in Krueger et al. 1981). As previously discussed, genetic diversity supports the myriad of forms and behaviors within species, and along with species diversity and ecosystems diversity, comprise the concept of biodiversity. These three components are essential to the maintenance and health of the biosphere (Jensen et al. 1990).

Considerable scientific attention has been focused in recent years on the potential impacts of hatchery programs on genetics of wild populations (Reisenbichler and McIntyre 1977; Allendorf and Phelps 1980; Krueger et al. 1981; Leider et al. 1984, 1986; Chilcote et al. 1986; Waples et al. 1990; Hindar et al. 1991; Byrne et al. 1992). Evidence is becoming more and more conclusive that impacts to wild populations from hatchery introductions may be contributing to their decline: Miller et al. (1990), in an analysis of salmon and steelhead supplementation programs, found that "Adverse impacts to wild stocks have been shown or postulated for about every type of hatchery fish introduction where the intent was to rebuild the runs".

There are two main concerns regarding wild and native stock genetics: loss of genetic diversity (or variability) and reduction in average fitness in the population. It should be noted that genetic variability in hatchery populations is not necessarily less than that of wild populations (Allendorf and Ryman 1987), due to the increased survival of genotypes that would be selected against in a natural setting. However, loss of variability and reduction in fitness of the wild population can result from artificial production effects such as inbreeding, random genetic drift, artificial selection, adaptation to the hatchery environment, and hybridization. Loss of rare alleles due to reduction in the size and number of populations is another mechanism that can cause a decrease in genetic diversity and fitness.

Inbreeding and Genetic Drift. Inbreeding is the mating between related individuals. A population is said to be inbred when mating between relatives occurs at a frequency greater than that expected by chance. A small spawning population size and increased survival of progeny associated with fish culture can result in an inbred population. Inbreeding causes a reduction in genetic variability by increasing homozygosity. Fitness characters related to reproduction are most affected by inbreeding (Robertson 1955, as cited in Nelson and Soule 1987). The resulting reduction in survival, growth, fertility, and vigor,

is termed inbreeding depression. Inbreeding depression is a serious problem facing managers of endangered fishes (Meffe 1986).

Aulstad et al. (1972) and Kincaid (1976), as cited in Hynes et al. (1981), showed a reduced egg hatchability, survival of fry, and growth rates in inbred domestic strains of rainbow trout. Data on inbreeding effects include severe body deformities, growth reduction, behavioral changes, and reproductive failures (Meffe 1986). Inbreeding depression is mostly a problem in hatchery programs that maintain a captive broodstock, such as trout hatcheries, but can also be a problem in anadromous supplementation programs where small numbers of adults are spawned and a majority of them are of hatchery origin.

Genetic drift is the change in allele frequencies of a population due to random chance. Genetic drift has its greatest effect on small populations: the smaller the number of breeders, the greater the chance that some alleles will not be represented in the breeding population. A small number of breeders is unlikely to represent the full range of genetic diversity of the population from which they came. This can result in the loss of genetic variability in populations (Futuyma 1986).

The importance of genetic drift as an evolutionary process has been the subject of debate. The neutralist view is that genetic variation is primarily due to random genetic processes while the selectionist view attributes such variation to natural selection. Nevertheless, in some instances genetic drift can be a driving mechanism for evolutionary change.

The fact that genetic drift has its greatest effect on small populations is of great importance for small rearing programs: even if the local population is used as broodstock, spawning of too few adults increases the chance that the selected spawners do not represent the full genetic diversity of the population. This can result in loss of genetic diversity in subsequent generations. Genetic drift is also a concern when genetically distinct and isolated populations reach critically low levels due to habitat degradation or destruction, over-fishing, or any other factors that depress the size of the breeding population.

The loss of genetic variability due to inbreeding and genetic drift in a population is determined by the effective number of breeders, or the effective population size. The effective population size is defined as the size of the breeding population that would lose genetic variability at the same rate as the actual breeding population (Allendorf and Ryman 1987). Effective population size is determined by the number of spawners, sex ratio, and ancestry of the population. An unbalanced sex ratio or inbred spawners will reduce the effective population size. For example, the loss of genetic variability through genetic drift for a spawning population of 99 females and one male will be as great as that of a population of only two females and two males. Either population has an effective population size of

four (Allendorf and Ryman 1987). Also, the greater the genetic similarity of the spawners (that is, the more they are related) the smaller the effective population size.

To minimize the effects of inbreeding, Nelson and Soule (1987) suggest an effective population size of 50. Allendorf and Phelps (1980) contend that an effective population size of 50 will result in an expected loss of genetic variability of 1% per generation due to genetic drift. Although seemingly insignificant, this would result in a 10% loss in variability over 10 generations. They recommend an effective population size of at least 100.

It should be noted that the preceding numbers are *effective population sizes* and a greater number of spawners will be necessary, especially if the sex ratio is unbalanced. Allendorf and Ryman (1987) recommend that a minimum of 100 males and 100 females be utilized for spawning. They also recommend using approximately the same number of eggs from each female and using one male to fertilize only one female.

Spawner population size is usually not a concern at DFG hatcheries, which must take between 200 and 500 female steelhead to meet their egg taking goals (based on 4,000 eggs per female). This is predicated on the assumption that an equal number of males are spawned. Small spawning population size is a concern, however, for the cooperative spawning and rearing programs that obtain their eggs from the local stock. Low numbers of returning fish on the smaller streams and difficulty in obtaining adults can result in an inadequate number of adults used for artificial spawning. Lack of knowledge and appreciation of genetic impacts can also lead to an inadequate number of adults used for spawning. For example, Mendocino County's Management Plan for the Lake Mendocino Hatchery Facility specifies a goal of 30,000 steelhead eggs to rear 15,000 fish to yearling size (Mendocino County 1992). To achieve this goal, they state they will need "six adult females...[and] several males." Clearly, genetic considerations didn't enter into the planning process: the number of adults needed appears to have been based solely on the assumed fecundity of female steelhead.

Artificial Selection. Selection for desirable traits tends to result in loss of genetic diversity. In the past, hatchery and fishery managers selected for larger, faster growing, early spawning individuals either because they possessed phenotypes desired by anglers or they were more suited to the hatchery environment. Selection for extreme phenotypes can result in a preponderance of homozygous genotypes (if the variation in the trait has a genetic basis) resulting in a loss of genetic variability. A reduction in fitness may also result because selection for desirable traits and the hatchery environment may adversely affect other traits by reducing frequencies of alleles that confer fitness to the natural environment.

Adaptation to the Hatchery Environment. Some selection in a hatchery program is unavoidable. Inadvertent artificial selection can result from selection against fish that survive

poorly in the hatchery, regardless of whether their genotypes bestow fitness to the natural environment. Conversely, the most successful fish in hatcheries are those that are tolerant of crowding and readily accept hatchery food. If the increase in survival of juveniles resulting from an increased fitness to the hatchery environment leads to a greater return of adults to the hatchery, then the population can gradually become adapted to hatchery conditions and thus become domesticated. If natural selection has optimized fitness of a population to its particular habitat, then any change in selection pressures will not be beneficial in the long term (Meffe 1986).

Perhaps even more important, from the standpoint of changes in the genetic structure, is the relaxation of natural selection pressures that occurs when fish are cultured. This is particularly important because many supplementation programs in California use the local native population as broodstock. Because of this, there is a perception by some that the genetic integrity of the wild population is not compromised. Because of regular feedings, disease control, and other methods associated with artificial fish rearing, physiologically or morphologically "inferior" genotypes (in terms of fitness to the natural environment) that would be selected against in the wild may survive and contribute to subsequent generations. Allele frequencies of deleterious or "inferior" genes may be increased in subsequent generations, leading to a reduction in average fitness. This "release" from natural selection may contribute substantially to the deterioration of the population (Allendorf and Ryman 1987).

Although recent changes in hatchery management practices have shown a greater concern for genetic conservation, fish culture cannot reasonably approximate nature (Meffe 1992) or natural selection pressures. A hatchery stock developed from a wild stock can diverge substantially from the wild stock if wild fish are not continually included in the hatchery brood program (Reisenbichler and Phelps 1989). Even if wild fish are continually used as broodstock and strict protocols are implemented to maintain genetic integrity, genetic changes may be inevitable (Stickney 1994)

Hybridization. Two possible outcomes can result when an exotic strain of steelhead is introduced into a stream system containing an indigenous population: the exotic strain is so maladapted to the new environment that it persists for no more than a few generations, in which case there may be little impact on the indigenous population's genetic structure; or the exotic strain persists and some degree of gene flow occurs between the populations, resulting in introgression of the exotic stock's alleles into the indigenous population's gene pool. The exotic stock's alleles will most likely confer little fitness to the environment and may disrupt favorable gene complexes of the indigenous population (Allendorf and Leary 1988). This can reduce the fitness of the native stock (Helle 1981; Thorpe et al. 1981; Krueger et al. 1981) and the resulting decline in overall fitness is known as outbreeding depression. There is a danger that even if an exotic stock is unsuited to the new environment, the genetic

integrity of the indigenous population may be adversely compromised, especially if the number of exotic spawners greatly outnumber native spawners (Chilcote et al. 1986).

Reduction in Population Numbers and Abundance. A decline in numbers within a population can result in a loss of rare and unique alleles. The loss of alleles permanently reduces the ability of populations to adapt to altered environmental conditions and can also reduce their resistance to disease (Allendorf and Leary 1988). Extinction of a local population permanently removes alleles from the species' gene pool. This can reduce a species' genetic diversity, the magnitude of which increases with the number of distinct populations that become extinct. If adaptations to a unique environment have a genetic basis, extinction would remove these rare and unique alleles from the species' gene pool. This has become a major concern of those involved with Pacific salmon and steelhead restoration.

ARTIFICIAL PRODUCTION

There are seven DFG anadromous fish hatcheries that spawn and rear steelhead¹, all located in northern California (Fig. 10). In addition, the U.S. Fish and Wildlife Service operates Coleman National Fish Hatchery. All, except Mad River Hatchery, are mitigation hatcheries, built and funded by federal and state water development agencies to mitigate for habitat lost from dam construction. Total steelhead production is approximately 3,150,000 yearlings and 2,300,000 fingerlings per year (Table 7).

In addition to the federal and state hatcheries, there are currently eight Cooperative Rearing projects that rear juvenile steelhead, administered through DFG's Cooperatively Operated Fish Rearing Program. Total production from these facilities is about 375,000 yearlings per year. These projects have been staffed mostly by volunteers and are operated to produce steelhead for public benefit as part of DFG's overall salmon and steelhead restoration program. Fish are obtained for rearing from artificial spawning of local populations, excess eggs from DFG's hatcheries, or juvenile fish rescues.

¹ There are eight DFG anadromous fish hatcheries, however, the Merced River Fish Facility does not have a steelhead program.

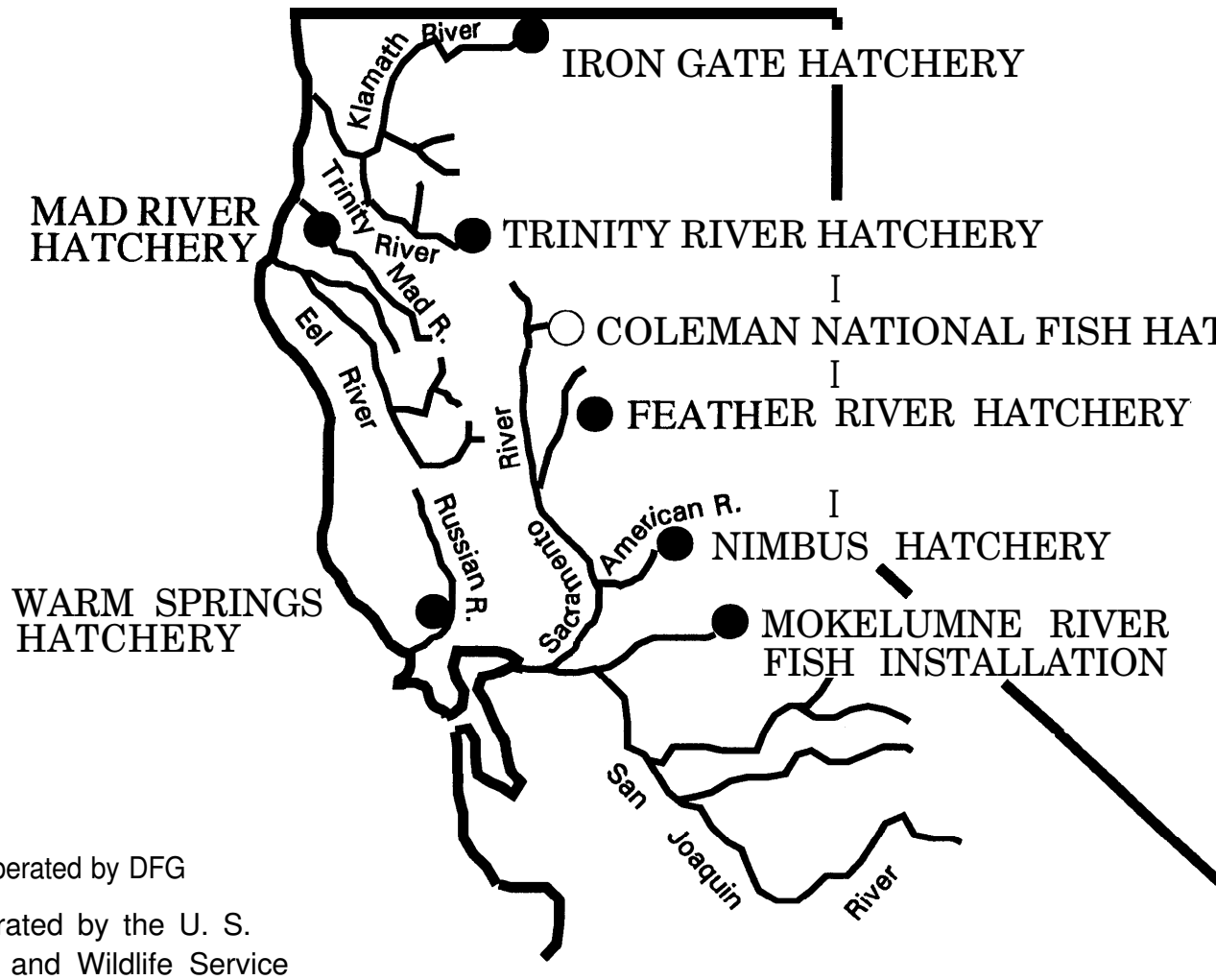


Figure 10. Anadromous fish hatcheries in California.

Table 7. Anadromous fish hatcheries and steelhead production in California. All are operated by the California Department of Fish and Game except Coleman National Fish Hatchery (U.S. Fish and Wildlife Service).

Facility (River System)	Purpose	Production Goal (Yearlings)	Average Annual 1984-85 through
			Fingerlings ¹
Iron Gate Hatchery (Klamath River)	Mitigation for Iron Gate Dam (Pacific Power and Light)	200,000	13,500
Mad River Hatchery	Enhancement	250,000	359,348
Trinity River Hatchery	Mitigation for Trinity Dam (USBR-Central Valley Project)	800,000	0
Coleman National Fish Hatchery (Sacramento River)	Mitigation for Shasta Dam (USBR-Central Valley Project)	700,000 to 800,000	245,378
Feather River Hatchery	Mitigation for Oroville Dam (DWR-State Water Project)	400,000 to 450,000	489,366
Nimbus Hatchery (American River)	Mitigation for Folsom Dam (USBR-Central Valley Project)	430,000	407,381
Mokelumne River Fish Installation ²	Mitigation for Camanche Dam (East Bay Municipal Utility District)	100,000	35,734
Warm Springs Hatchery (Russian River)	Mitigation for Warm Springs Dam (U.S. Army Corps of Engineers)	460,000 to 500,000 ³	734,085
Silverado Field Operations Base ⁴	Planting base and quarantine facility	n.a.	16,630
All Hatcheries			2,301,422

¹ Includes fry, advanced fingerlings, and sub-yearlings.

² Because the steelhead run in the Mokelumne River is so small, eggs are procured from Nimbus Hatchery.

³ Includes 160,000 to 200,000 yearlings raised at Coyote Dam Steelhead Facility.

⁴ Silverado Base rears eggs and juveniles obtained from other facilities.

The role of artificial production in restoration and maintenance of anadromous salmonids has recently become a subject of controversy. Focused mainly on salmon studies in the Pacific northwest, several researchers have called for a fundamental rethinking of the role of hatcheries in rebuilding salmon and steelhead runs, the need for additional supplementation programs, and the way in which hatcheries are presently operated (Scarnecchia 1988; Meffe 1992; Hilborn 1992). Goodman (1990) has proposed that all hatcheries be regulated by the federal government to insure that uniform practices are implemented to prevent the further decline of wild stocks caused by impacts from artificially produced fish. Others argue that most hatchery-maintained populations are declining (Hilborn 1992) and that hatchery supplementation programs are not the panacea that will preserve anadromous salmonid species and populations in the face of all environmental perturbations.

Despite the fact that many artificial propagation programs have succeeded in producing fish for harvest, they have generally not increased the abundance of wild fish (Hard et al. 1992). Miller et al. (1990), in an analysis of salmon and steelhead supplementation programs, found that "examples of success at rebuilding self-sustaining anadromous fish runs with hatchery fish are scarce." Of the 316 projects reviewed, they found that only 25 were successful at supplementing natural existing runs (although many were successful at returning adult fish). Aside from the aforementioned genetic impacts, these researchers cite other concerns regarding impacts to wild fish from hatchery programs: most notably competition, disease, over-exploitation, and continuing habitat loss.

Competition. Interspecific competition resulting from the introduction of an exotic species has probably been the most damaging to endemic populations. If there is overlap between the needs of an exotic and an indigenous species, displacement of the indigenous species can result if it lacks adaptive mechanisms necessary to cope with the new competitor. The decline of California golden trout (*O. m. aguabonita*) in number and range in the Kern River drainage subsequent to the introduction of brown trout (*Salmo trutta*) and the decline in distribution of brook trout (*Salvelinus fontinalis*) in Atlantic coast drainages as a result of competition with introduced brown trout, rainbow trout, and Pacific salmon (Goodman 1990) are two examples.

Intraspecific competition between wild and artificially cultured stocks can also result in wild fish declines. Although wild fish are generally more adept at foraging for natural foods than hatchery-reared fish, this advantage can be negated by the large numbers of hatchery fish released in a specific locale, and larger size and different behavior of the hatchery fish.

Disease. Crowded conditions in hatcheries can create favorable environments for many disease organisms. Introductions of exotic stocks can introduce a new disease into

wild populations. The ability of a wild stock to cope with an introduced disease is reduced if the stock's genetic variability has been reduced through selection or genetic drift, because genes involved in the control of disease resistance have many alleles (Allendorf and Phelps 1980).

Over-exploitation. The relatively low number of spawners needed to sustain a hatchery population can result in high harvest-to-escapement ratios in waters where regulations are set according to hatchery production. This can lead to over-exploitation and reduction in size of wild populations coexisting in the same system. In a declared "hatchery management area" just north of Puget Sound in British Columbia, harvest rates on coho salmon (*O. kisutch*) are as high as 95%. This is sustainable only because of the most successful hatchery stocks, and, as a result, wild stocks have declined (Hilborn 1992).

Continuing Habitat Loss. Meffe (1992) argues that hatcheries palliate the widespread loss and destruction of habitat and they conceal from the public the real problems facing our anadromous resources. Hilborn (1992) and Goodman (1990) echo this same sentiment. Moreover, Goodman (1990) contends that we have placed anadromous runs at risk by our heavy reliance on hatcheries because they themselves exist at the mercy of economic fluctuations, budget limitations, and political whims. Others argue that hatcheries consume vast amounts of money that could be better spent on habitat rehabilitation and acquisition and watershed improvements.

The positive aspect of California's anadromous hatcheries is that they have been very successful at providing fish for California's large sport angling population. Hatcheries have also been essential in maintaining steelhead runs in the Sacramento River system: steelhead would not exist in the Sacramento River system, in anything but remnant numbers, without the hatchery mitigation program. Steelhead, more so than salmon, are dependent upon headwater tributaries for successful spawning and rearing. Water development activities, particularly the construction of large dams at low elevations on the major Sacramento and San Joaquin river tributaries, has effectively rendered most of the Central Valley system unsuitable for natural spawning steelhead populations. The nearly complete absence of steelhead in the San Joaquin River system is a testament to the importance of a hatchery program in maintaining the Central Valley steelhead runs.

The intensity of the debate on the compatibility of wild and hatchery stocks has caused some to lose sight of the fact that artificial propagation is not responsible for the overall decline of natural stocks. Hatchery and propagation specialists react to this by accusing others of failing to adequately protect habitat, manage water resources to minimize impacts, and control over-harvest (Martin et al. 1992). This is causing a polarization among fisheries professionals that can hamper development and implementation of effective restoration strategies and erode public confidence in the ability of the fishery science

profession to solve many of the problems causing decline of anadromous resources (Martin et al. 1992; Stickney 1994).

ARTIFICIAL PROPAGATION OF IMPERILED STOCKS

The decline of many native salmonid stocks has prompted the development of a new role for artificial production facilities: assisting in the recovery of threatened, endangered, and declining stocks. When a native stock reaches critically low population levels, the need for immediate measures to prevent its extinction is paramount. Because of this urgency, artificial production facilities are often proposed in lieu of habitat restoration measures. Artificial production can be instrumental in rapidly rebuilding populations to avoid extinction, primarily by increasing reproductive success and juvenile survival. However, there are risks associated with using artificial production for this purpose, and its ability to supplement and restore natural populations is largely unproven (Hard et al. 1992).

There is a risk that operation of an artificial production facility to rebuild a depleted population can lead to a *de facto* hatchery mitigation program and, like fish rescue operations, can mask the real problems and delay implementation of long-term solutions for habitat restoration. Also, there has been a reluctance among some operators of Cooperative Rearing Projects in California to close down a facility that has been successful at achieving its goals. This problem is being addressed by requiring that all Cooperative Rearing Projects be operated in accordance with a 5-year management plan approved by DFG.

Other drawbacks include:

- occurrence of genetic problems associated with fish culture;
- risk of losing an entire year class due to adverse hatchery conditions or mechanical and human error, if all spawners are taken for artificial spawning;
- continued operation of these facilities after they have achieved their original objectives does not conform to DFG mandates to restore natural production and habitat;
- reliance on artificial culture abrogates our responsibility to restore habitat conditions necessary for populations to be self-sustaining;
- mass production and release of juveniles does little to restore populations if limiting factors are not addressed.

Despite the risks, artificial production programs are a necessity if the alternative is extinction. In this case, the risks posed by artificial production are outweighed by the need to rapidly increase abundance and avoid extinction. Artificial production is not a substitute for remedying the factors causing or contributing to the initial decline, and recovery programs should reflect integrated planning that addresses these factors (Hard et al. 1992).

The policy of the National Marine Fisheries Service (NMFS) on the use of artificial production to recover Pacific salmon populations (including steelhead) listed under the Endangered Species Act (ESA) is outlined in Hard et al. (1992). Artificial production may be consistent with the purposes of the ESA if it facilitates the recovery of a listed species. The ESA mandates the restoration and maintenance of threatened and endangered species in their natural habitats, hence focuses on recovery of habitat and ecosystems. Despite this emphasis, the ESA recognizes that conservation of listed species may be facilitated by artificial means, but a guiding principle for an ESA recovery plan should be to restore a viable population with the minimum amount of interference in its life history (Hard et al. 1992).

The Carmel River Captive Steelhead Broodstock Project was the only cooperative spawning and rearing facility in California operated solely for genetic conservation of a native steelhead stock. This program was necessary to guarantee the survival of the Carmel River steelhead strain and to speed its recovery. Another captive breeding facility has been proposed for Fillmore Hatchery on the Santa Clara River (see page 206).

REINTRODUCTION

Reintroduction of steelhead may be warranted on some stream systems where the native stock has been extirpated. In some instances where the native stock is extirpated from the anadromous reach it may still be extant in the upper reaches. The construction of impassable dams on many coastal tributaries has isolated rainbow trout populations upstream of the dams. Gall et al. (1990) analyzed allozymes from trout collected from Redwood and Kaiser creeks, tributaries to the Upper San Leandro Reservoir on San Leandro Creek (tributary to San Francisco Bay). They determined that the genetic profile of these fish more closely resembled that of coastal rainbow trout than any other California rainbow/redband trout group, and concluded that they are descendants of native California steelhead.

There are other areas along the coast where native steelhead, extirpated (or nearly so) from the anadromous reaches of a system, may persist in the landlocked upper reaches: above Del Valle, San Antonio, and Calaveras reservoirs in the Alameda Creek system; above Whale Rock Reservoir on Old Creek; and above Lake Cachuma on the Santa Ynez River.

These are three areas that may harbor uncontaminated stocks of native steelhead that could be reintroduced downstream and possibly into nearby unoccupied stream systems.

Findings

- Steelhead will be managed in accordance with recently enacted State mandates which place principal emphasis on natural production. Artificial production will only be considered for implementation in those systems where: 1) there are presently artificially maintained steelhead runs; 2) there is no longer a native or wild run and the habitat has been irrevocably altered; or 3) captive breeding is necessary to prevent the extinction of a native run.

We agree with the California legislature's finding that "*reliance upon hatchery production of salmon and steelhead trout in California is at or near the maximum percentage that it should occupy in the mix of natural and artificial hatchery production in the State.*" (Fish and Game Code of California, sec. 6901).

- All steelhead produced in DFG hatcheries and Cooperative Rearing Projects will be marked so that they can be differentiated from wild fish. All Cooperative Rearing Projects must have provisions for marking in their 5-year management plans.

Despite evidence that hatchery supplementation programs can negatively affect wild stocks, we have no reliable means to differentiate hatchery from wild fish, hence we do not have a solid foundation to begin managing to protect wild stocks. Determination of origin based on fin erosion or scale analysis is not reliable or is impractical. The only reliable, practical means of identifying hatchery produced steelhead is to fin clip or otherwise mark them.

Implementation of a marking program will allow a more expedient implementation of a selective harvest requirement, should one become necessary. Implementation of a marking program in the Central Valley should include Coleman National Fish Hatchery. Funds generated from *Steelhead Trout Catch Report-Restoration Card* sales may be used for this purpose, upon approval by the Steelhead Subcommittee of the California Advisory Committee on Salmon and Steelhead Trout. DFG should designate a Steelhead Tag Coordinator to keep track and assign marks used at the different hatcheries and rearing facilities.

- Priority will be given to those Cooperative Rearing Projects that are part of an overall stream or watershed restoration program.

For the most part, these facilities are designed to supplement and restore natural production. Producing large numbers of steelhead without correcting the factors causing their decline is not in the best long-term interest of the resource.

- DFG will continue with its habitat based approach for recovery of steelhead stocks.
- Artificial production to rebuild imperiled steelhead populations will only be considered for populations in imminent danger of extinction when no viable alternatives exist. These programs will have very specific goals and constraints that pertain solely to the stock of concern, will use temporary facilities or equipment, and will have an identifiable endpoint. The NMFS guidelines (Hard et al. 1992) recognize the primacy of restoring habitat conditions necessary to maintain and recover declining populations. They make it clear that artificial production should not be a substitute for resolving the basic factors causing the decline of a population. Further, an artificial production program for recovery purposes should be viewed as a temporary measure, and discontinued when recovery goals are met or if there is evidence that the program is causing harm to the population or impeding its recovery.
- Donor stock used for reintroduction will be the original stock or the most genetically similar stock. Before introductions are implemented, genetic profiles of the donor stock should be examined to determine their relationship to the extirpated stock. Prior to reintroduction, perturbations that caused the extirpation must be addressed.

Recommendations

- ▶ Water agencies and dam operators should attempt to meet deficient fishery mitigation requirements through more environmentally sound river regulation, including greater flow releases, and maintaining and restoring instream habitat. Continued declines of hatchery-maintained runs may lead to increased artificial production so that escapement and mitigation goals can be met, which can cause an impact to wild juvenile survival. This would create a situation where increasing numbers of hatchery fish are released each year causing an even greater depression of wild stocks, while not necessarily achieving a greater return of adults. The factors affecting the decline of hatchery stocks need to be

addressed so that greater returns are achieved without resorting to increasing the number of juveniles released.

- ▶ DFG hatcheries and the Cooperative Rearing Projects should be operated so that impacts to natural stocks are minimized (which includes setting planting allotments), and should be in accordance with the following guidelines:
 - * For DFG hatcheries, a minimum of 100 males and 100 females should be used for spawning, wherever possible.
 - * The Cooperative Rearing Projects will strive to maximize the number of adults they utilize for spawning, without adversely impacting natural spawning in the system.

In smaller stream systems, it may be difficult to obtain 100 adult fish of each sex for spawning and this number may, on some streams, exceed the number of natural spawners. Under these circumstances, the projects will be allowed to take no more than one-half of the run. This will be accomplished by conditioning DFG trapping permits so that traps can only be operated on a half-time basis when conditions are conducive to upstream movement of adults.
 - * Equal numbers of males and females should be used for spawning. One male should be used to fertilize the eggs of one female: eggs from multiple females should not be fertilized by sperm from one male.
 - * Wild fish should be used for broodstock whenever possible to minimize the loss of genetic variability and to maximize fitness.

Hynes (1981) and Allendorf and Phelps (1980) recommend that a periodic infusion of genetic material from wild stocks be used to maintain genetic variability. Goodman (1990), citing the Alaska Department of Fish and Game (1985), states that indigenous wild adults should be used for broodstock whenever possible.
 - * To minimize artificial selection, spawners should be selected entirely at random and should not be chosen based on size or other "desirable" characteristics.

The only exception to this is that spawners must meet the minimum size criteria currently established for each hatchery. This exception is necessary to avoid spawning non-native resident trout.

- * Egg take will be distributed proportionately throughout the entire spawning season.
All hatcheries should attempt to mimic natural spawn timing, which entails segregating egg lots by week of spawning. The percentage of the run spawned each week is calculated and the percentage of yearlings released from each week's egg take is based on these percentages. For example, if 15% of the run spawned during the last week of January, then 15% of the yearlings released will be from the adults spawned during that week. (Royce Gunter, DFG Fish Hatchery Manager II, pers. comm.)

- * Production from excess eggs will not be planted in excess of the overall production goals, except where approved for outplanting to restore other appropriate streams.
"Appropriate streams" are those within the same drainage that do not have naturally reproducing runs and where restoration of natural production is infeasible.

- * All production from DFG and Cooperative Rearing Projects will be released in accordance with the DFG Salmon and Steelhead Stock Management Policy.
Under existing DFG policy, out-of-basin stock transfers are not allowed under any circumstances for streams that still have a native stock. This policy will be strictly enforced. In order to insure compliance with DFG's management policies, the Cooperative Rearing projects will be required to adhere to the DFG Salmon and Steelhead Stock Management Policy and there will be no stock transfers without written approval from the Chief of the Inland Fisheries Division. All Cooperative Rearing projects operate under DFG approved 5-year management plans and permits issued by DFG regional offices. These permits can be revoked for violation of the five-year plans.

- * Steelhead raised in artificial production facilities should be planted downstream of wild steelhead rearing areas.
This is necessary to minimize competition and other impacts to wild fish.

ANGLING

CURRENT REGULATIONS

Steelhead angling usually begins in September or October and lasts through March. Open season for steelhead angling varies by stream: some streams are open year-round, however, there are many streams with more restrictive open seasons which allow fishing during only part of the year. In addition, there are many important spawning streams that are closed to angling year-round. In the South Central Sport fishing District (San Mateo, Santa Cruz, Monterey, and San Luis Obispo counties) many steelhead streams are open from November 16 through February 29, but only on Saturdays, Sundays, Wednesdays, and holidays. In some instances, minimum and maximum size limits are imposed on a particular stream to protect juvenile and adult steelhead from over-harvest. California does not have an annual bag limit for steelhead.

There is a general daily bag limit of two adult steelhead, although there are many exceptions. Most of the exceptions are more restrictive, but there are a few areas where more than two adult steelhead can be possessed. Catch-and-release angling for adult and juvenile steelhead is required on sections of the Eel and M.F. Eel rivers and Redwood Creek on the north coast; Mill, Deer, and Antelope creeks in the Central Valley; and the Santa Ynez, Ventura, and Santa Clara rivers and Gaviota, Sespe, and Malibu creeks on the south coast. These sections also restrict terminal gear to artificial lures and barbless hooks.

DFG enforces low flow closures (when flows recede to a specified level) on many North and Central coast rivers and streams. This is done to protect adult steelhead and salmon that become more vulnerable to angling and poaching when low stream flows prevent easy access to upstream spawning areas.

Steelhead Trout Catch Report-Restoration Card. A requirement that anglers purchase and fill out a \$3.15 report card when fishing for steelhead in any river or stream that is accessible to anadromous fish became effective on January 1, 1993. This new requirement was enacted in 1991 (Assembly Bill 2187). For purposes of the regulation, steelhead are defined as any rainbow trout greater than 16 inches in length found in anadromous waters. Because the legislation specifically prohibits mandatory return of the cards, a randomly selected sample of card purchasers are contacted to obtain the information from their cards.

The Steelhead Trout Catch Report-Restoration Card Project consists of: developing and implementing the statistical and survey methods to obtain and analyze the harvest and angler-use information contained on the cards; updating the report card as necessary; and

making management recommendations to restore and enhance California steelhead trout resources. Report card revenue, beyond that needed to support the project, will be used to fund restoration projects, gather new information on specific native steelhead stocks, and identify existing and potential problems. Expenditure of funds is guided by the Steelhead Subcommittee of the California Advisory Committee on Salmon and Steelhead Trout.

ADULT HARVEST

There is little information on steelhead harvest rates in California. The limited catch statistics that are available indicate that sport harvest rates may be lower than they were in the 1950's and 60's. Hallock et al. (1961) estimated that harvest rates for Sacramento River steelhead from the 1953-54 through 1958-59 seasons ranged from 25.1% to 45.6%, assuming a 20% nonreturn rate of tags. Staley (1976) estimated the harvest rate in the American River during the 1971-72 and 1973-74 seasons to be 27%. The average estimated harvest rate on adult steelhead above Red Bluff Diversion Dam for the three year period 1991/92 through 1993/94 is 16% (DFG unpublished data).

Harvest rate estimates for the Klamath River for the 1977-78 through the 1982-83 seasons ranged from 7.4% to 19.2% and averaged 12.1% (CDFG unpublished data). Harvest rates for wild steelhead are similar: wild steelhead in the Trinity River were harvested at rates of 28.0%, 12.5%, and 17.3% in the 1978-79, 1980-81, and 1982-83 seasons, respectively (CDFG, unpublished data), and sport harvest of wild steelhead in the South Fork Trinity River was estimated to be 5.9%, 18.0%, 8.0%, and 20.2% during the 1988-89, 1989-90, 1990-91, and 1991-92 seasons, respectively (Mills and Wilson 1991; Wilson and Mills 1992; Wilson and Collins 1992; Collins and Wilson 1994) (Table 8). In contrast, sustainable harvest rates on Pacific salmon stocks often exceed 50% (Alan Baracco, DFG Senior Marine Biologist, pers. comm.).

The evidence that harvest rates are declining statewide is inconclusive because of the lack of historical data and the limited estimates that are currently available. It appears, however, that over-exploitation of wild stocks is not occurring on a widespread basis and is not causing the overall decline in steelhead stocks. It is possible that localized over-exploitation is occurring without our knowledge on specific stream systems. There is limited data that suggests that unfished north coast streams are more productive than tributaries of fished rivers (Larry Preston, DFG Associate Fishery Biologist, pers. comm.).

Because of declining steelhead populations and harvest rates, Oregon has adopted a statewide selective harvest regulation, i.e. zero bag limit for wild adult steelhead. All hatchery produced juvenile steelhead are marked prior to release and anglers are required to

Table 8. Estimated steelhead sport harvest rates (%) in the Klamath - Trinity system.

	77-78	78-79	79-80	80-81	81-82	82-83	83-84	84-85	88-89	89-90	90-91
Klamath Basin ¹	15.4	11.9	7.4	10.1	19.2	8.4					
Trinity River ²											
Wild		28.0 ³		12.5 ⁴		17.3 ⁴					
Hatchery		7.0 ³		17.1 ⁴		23.8 ⁴					
Total		20.0 ³		14.1 ⁴		18.6 ⁴	15.6 ⁴	16.1 ⁴		9.6 ⁴ /16.3 ³	23.0 ⁴ /12.5 ³
S.F. Trinity River									5.9 ⁵	18.0 ⁶	8.0

¹ Estimates from Klamath-Trinity Project (DFG, unpublished data).

² 77/78 to 89/90 estimates from DFG Trinity River Project staff; 90/91 estimate from Heubach et. al 1992; 91/92 estimate from 1994.

³ Above Junction City Weir.

⁴ Above Willow Creek Weir.

⁵ Source: Mills and Wilson 1991.

⁶ Source: Wilson and Mills 1992.

⁷ Source: Wilson and Collins 1992.

⁸ Source: Collins and Wilson 1994.

release all unmarked adult steelhead unharmed. Juveniles stocked in each system are marked with a unique combination of fin clips to evaluate adult returns and degree of straying (Mick Jennings, Oregon Department of Wildlife, pers. comm.). In the near future, all but 17 out of nearly 200 Oregon streams will be managed for wild catch-and-release (Mick Jennings, pers. comm.). This program is popular among Oregon anglers.

Selective harvest regulations allow for the protection of wild stocks from over-harvest while not significantly infringing on angler opportunities. Proponents argue that implementation of a selective harvest regulation can only be beneficial and that we should begin taking a conservative approach to the management of wild stocks.

Opponents of selective harvest regulations in California argue that marking all hatchery fish is too costly, marking-related stress will cause a decrease in production, and finclipping will interfere with coded wire tag studies. All of these problems can be effectively managed however, should a selective harvest regulation be implemented. The only factor that should be considered is need: if wild stocks are declining due to excessive harvest, then a selective harvest regulation should be implemented. The only other viable alternative may be to close the fishery. This sentiment is expressed by Larkin (1979, as cited in Wright 1993): "Under no circumstances should the permissible harvest of any race of salmon be exceeded. Day-to-day regulation should be geared to salmon biology, not human convenience."

Implementation of the Steelhead Trout Report Restoration Card will provide much-needed information on harvest rates. The need for a selective harvest requirement, either statewide or local, should be evaluated when these data become available. It should be noted however, that implementation of a selective harvest program would have a lag time of at least two years from the time of initial marking of the hatchery-reared fish, unless a marking program is instituted beforehand.

- Based on the limited harvest estimates that are available, a statewide selective harvest regulation does not appear to be warranted at this time. However, this conclusion is tenuous, and should be reevaluated when information from the Steelhead Trout Report-Restoration Card becomes available. Sport harvest needs to be evaluated on rivers and streams other than the Klamath and Trinity systems and, if necessary, a selective harvest regulation on a system-by-system basis should be instituted.

- Currently, there is no substantial documentation that broad-scale angler harvest of adult steelhead is excessive and detrimental to California steelhead populations, therefore adoption of an annual bag limit for steelhead is not recommended.

The Steelhead Catch Report-Restoration Card will provide much needed information about harvest data on which to base an analysis of harvest impacts. The need for an annual bag limit will be reevaluated when this information becomes available.

The lack of information on sport harvest rates in California does not belie the fact that over-harvest may be, or has been, occurring on a local basis. Angling regulations were recently adopted for several critical streams that should preclude take of adult and juvenile steelhead. These regulations are discussed in the Central Valley and South Coast Management Objectives sections of this plan.

JUVENILE HARVEST

Steelhead life history typically includes rearing in freshwater for at least one year; therefore, juveniles typically reach catchable length before migrating to the ocean and are often taken by anglers. Angling harvest may reduce the ultimate yield of adult returns.

Larger age 2+ wild steelhead are particularly susceptible to harvest by anglers. In northern Idaho, Pollard and Bjornn (1973) found that a majority (70-100%) of the larger juvenile steelhead within catch-and-remove sections of their study were caught after four angler-hours of effort and age 1 steelhead were less susceptible (4-12%) to angler harvest.

Particular locations are targeted by anglers because of stocking practices, accessibility, and fish abundance. River flow conditions greatly affect angler effort and harvest rate. Angler effort and juvenile steelhead harvest were particularly high in portions of the Central Valley from January through March, 1992 because of low flow conditions (Frank Fisher, DFG Associate Fishery Biologist, pers. comm.; Larry Hansen, DFG Fishery Biologist, pers. comm.). Conversely, flows were high during 1993 and angler effort and harvest were nearly zero (Larry Hansen, pers. comm.).

Little information exists regarding angler harvest of juvenile steelhead trout in California waters. The limited harvest information that is available primarily pertains to hatchery-reared juveniles, predominately within the Central Valley system. Although some

studies have been undertaken to determine harvest rates of juvenile hatchery steelhead (Staley 1976; Menchen 1980), more recent information is mostly from personal observations of DFG biologists and wardens.

In 1972-73, DFG conducted a study to estimate the freshwater sport catch of Coleman Hatchery yearling steelhead stocked at two sites in the upper Sacramento River system (Menchen 1980). A total of 1,448,610 yearling steelhead, including 5,993 with reward and non-reward tags, was released in Battle Creek at Coleman Hatchery and in the Sacramento River at Balls Ferry. A majority of the juvenile catch was within the first 50 miles downstream from the release sites. Based on the tag returns, it was estimated that 2.7% of the steelhead released at both locations were caught before they reached the Delta.

Staley (1976) found that 51.2% of Nimbus Hatchery yearling steelhead that were released in the American River were caught by anglers as juveniles. Nimbus yearlings released in the Sacramento River were harvested at much lower rates, however.

Biologists with DFG's Sacramento River Angler Survey reported that harvest of hatchery juvenile steelhead is high in the upper Sacramento River from January through March (Larry Hansen, pers. comm.). A large number of bank anglers, targeting stocked juvenile steelhead, habitually appear as far downstream as Chico shortly after the fish are planted. Anglers often take as many as 10 juvenile steelhead per day each (Larry Hansen, pers. comm.). Catch rate of juvenile steelhead near the Deschutes Road Bridge has reached as high as 30 fish per hour. In February of 1992, four anglers caught a total of 70 juveniles in 7.5 hours (DFG Sacramento River Angler Survey, unpublished data).

The Sacramento River has several locations where anglers can easily access the river and find concentrations of stocked juvenile steelhead. Releases near Red Bluff Diversion Dam typically attract numerous anglers that do not observe the three fish daily bag limit (Larry Hansen, pers. comm.). Nimbus Fish Hatchery release yearling steelhead at Clarksburg and Garcia Bend and significant harvest of juveniles occurs at the release sites.

Battle Creek is frequently an area of intense juvenile steelhead harvest by anglers. On opening day in 1991, approximately 80 boats were fishing at "the Barge Hole" (Larry Hansen, pers. comm.). Because of the 1992 low water levels, as many as 90% of the stocked juvenile steelhead were harvested from Battle Creek by anglers (Frank Fisher, pers. comm.).

Juvenile steelhead were also taken in the Feather River near Yuba City (Bill McFarland, DFG Warden, pers. comm.; Fred Meyer, pers. comm.; Lynn Wixom, DFG Associate Fishery Biologist, pers. comm.). Juvenile steelhead are stocked annually at the

Yuba City and Boyd's Pump boat ramps, which sometimes creates difficulties for boaters attempting to use the ramp because of the large numbers of anglers fishing from the dock and ramp (Bill McFarland, pers. comm.). Juvenile steelhead remain near the dock for several days, then migrate downstream to Shanghai Bend, apparently a preferred holding location. Anglers of all ages catch large numbers of juvenile steelhead and adult anglers have been observed with 5-gallon buckets filled with stocked fish (Bill McFarland, pers. comm.). Anglers have also been observed to catch more than a limit of fish, leave the river, and return later in the day to continue fishing (Bill McFarland, pers. comm.; Lynn Wixom, pers. comm.).

Juvenile steelhead are also taken in great numbers from the lower Mokelumne River. Ten to 16 inch juvenile steelhead are stocked below Camanche Dam, primarily to sustain an intensive sport fishery for yearling steelhead.

There is a concern regarding juvenile steelhead harvest upstream of Los Padres Dam on the Carmel River. A trap-and-truck operation provides limited access over the dam for adult steelhead, although it has not functioned consistently. In recent years, there has been great effort to protect the Carmel River steelhead from becoming extirpated, including closing the lower river to all angling and artificially culturing steelhead fry (from native Carmel River broodstock) for release in the headwaters.

- DFG will not encourage juvenile harvest of wild or hatchery steelhead or manage a stream primarily for juvenile harvest. The FGC's *Steelhead Rainbow Trout Policy* states that "Harvest of juveniles shall only be permitted where such harvest does not impair adequate returns of adults for sport fishing and spawning. Special restrictions on the harvest of wild juvenile steelhead may be necessary when a fishery includes both wild and hatchery stocks." Juvenile harvest which may be contributing to the declining returns of adults is contrary to FGC policy.

Recommendations

- ▶ Angling regulations on heavily fished streams should be reevaluated to ensure that excessive harvest of juvenile steelhead is not occurring.
- ▶ DFG should develop stocking strategies that discourage anglers from targeting release sites.

- ▶ The Fish and Game Commission should adopt a minimum size restriction of eight inches for rainbow trout in anadromous waters. Excessive harvest of wild juvenile steelhead may be contributing to decline in adult returns in specific streams. Increased wild steelhead smolt yield may be important to the recovery of California's wild steelhead populations and fishery. Few wild juvenile steelhead in freshwater exceed 8 inches in length (Pollard and Bjornn 1973). In the Trinity River basin, Wilson and Collins (1992) reported that the maximum size measured for age 2+ steelhead was 230 mm FL (9 inches) and the mean FL ranged from 153 mm (6 inches) to 185 mm (7 1/4 inches). The need for barbless hook restrictions should be evaluated for specific streams and, if necessary, implemented.

STEELHEAD ANGLING TOURNAMENTS

Organized competitive sport fishing (e.g., tournaments and derbies) has become a growing use of fishery resources throughout the United States for at least the last 20 years (Schramm et al. 1991). Of the 318 annually permitted events in California, 77% were for centrarchid bass, 9% were for trout, 7% were for striped bass, and 3% were for catfish (Schramm et al. 1991). For the 318 events, 77% were one-day events, averaging 178 participants; the minimum number of participants recorded was four and, the maximum was 3,600 (Schramm et al. 1991). There are no written reports of any tournament activity prior to 1988.

Permitted steelhead tournaments in California are a relatively new and infrequent activity. DFG requires tournament sponsors to submit a permit application to the DFG and, if approved, a summary report must be submitted after the tournament's completion. As of February 1993, a total of 13 steelhead contest permits was issued by the DFG. A total of 361 steelhead was reported caught from California rivers during the 13 tournaments; 119 (33%) were kept and 242 (67%) were released.

Competitive fishing can deplete fish populations through intensive harvest on selected waters (Schramm et al. 1991). In addition, intensive harvest may cause a general loss of genetic diversity by, for example, selecting for larger, fast-growing fish which might alter the population genetics in favor of slow-growing genotypes (Schramm et al. 1991). Data gathered and analyzed from the Steelhead Catch Report-Restoration Card and other information sources should provide additional information regarding the effects of tournaments on steelhead populations.

More restrictive regulations may be necessary to protect steelhead from over-harvest, while still allowing anglers the opportunity for continued competitive sport fishing. Upon review of individual tournament permit applications, DFG may implement one or more of the following guidelines:

- ▶ **Catch and Release Only.**
All steelhead will be released unharmed. Caught fish cannot be kept in live wells or other means for later measurements. Only landing nets can be used to capture or restrain caught fish.
- ▶ **Barbless Hooks Only.**
The barb of barbed hooks must be filed or pinched down with pliers. This will allow easier release of steelhead.
- ▶ **Caught fish must not be removed from the water.**
Each steelhead should be measured as quickly as possible and released. Weight measurements will not be allowed.
- ▶ **Tagging, marking, or any other method of physically identifying individual steelhead is prohibited.**
- ▶ **Individual Angler Data is Required.**
Currently, each permittee is required to submit a *Fishing Contest Report* to the permit-issuing DFG Regional Office within 30 days after completion of the contest. In addition to this requirement, each participant will be required to complete an individual angler interview data sheet. The data sheets will be supplied by DFG's Inland Fisheries Division to the sponsor upon approval of the permit. The sponsor will be responsible for determining that the data sheets are completed by each participant. The data sheets will be attached and submitted with the *Fishing Contest Report*.

WILD TROUT AND CATCH-AND-RELEASE WATERS

DFG manages quality trout fishing streams and lakes under The Wild Trout and Catch-and-Release programs. Both of these programs are coordinated by Inland Fisheries Division's Wild Trout Project which is mandated by the *Trout and Steelhead Conservation and Management Planning Act of 1979*. Waters in these programs are managed to provide quality angling experiences for wild trout, as opposed to catchable trout waters which are

managed as put-and-take fisheries for domesticated hatchery trout. Population and habitat surveys and angler harvest data are used to assess the quality of the stream or lake to determine its appropriateness for designation as a Wild Trout or Catch-and-Release water. These waters cannot be stocked with domestic strains of trout. Special regulations and reduced bag limits are often implemented to maintain quality angling values for individual waters.

Presently, there are three steelhead streams designated as Catch-and-Release and none designated as Wild Trout: nearly all of the current waters in these programs are inland waters designated for their outstanding value as resident trout fisheries. However, the *Trout and Steelhead Conservation and Management Planning Act of 1979*, specifically includes steelhead trout. Streams that have outstanding value as wild steelhead fisheries should be managed accordingly.

- DFG will begin assessing steelhead streams to determine their appropriateness for placement in the Wild Trout or Catch-and-Release Programs.
Some streams that should be considered are the Big Sur, Yuba, Mattole, Mad, Klamath, and Smith rivers and Redwood Creek (Humboldt County).

OCEAN LIFE HISTORY

Researchers have made significant progress over the last several decades in understanding the relationship between the marine environment and anadromous fish population dynamics. Most of the published information pertains to salmon in the North Pacific Ocean: little is known about steelhead. Pearcy (1992) provides a concise summary of information regarding ocean ecology of North Pacific salmonids.

DISTRIBUTION AND MIGRATION

California steelhead spend from several months to three years in the Pacific Ocean before returning to freshwater. Approximately 47% and 35% of the spawning adults in Waddell Creek had spent one and two years at sea, respectively (Shapovalov and Taft 1954). The age composition of high seas steelhead is also dominated by one (61.9%) and two (31.4%) year ocean fish, with a maximum of six years at sea (Burgner et al. 1992). Steelhead exhibiting the half-pounder life history go to sea for only a few months, then return to freshwater but do not spawn (Kesner and Barnhart 1972).

Soon after North American steelhead smolts enter the Pacific Ocean in the spring, they quickly begin a directed movement into offshore pelagic waters of the Gulf of Alaska (Light et al. 1989). Steelhead generally follow a counter clockwise migration pattern in epipelagic waters east of 167°E longitude (Light et al. 1988), primarily within 10 m (33 ft) of the surface (Light et al. 1989) but have been found as deep as 23 m (Burgner et al. 1992). The southern limit of steelhead migration, while feeding and growing prior to returning to freshwater, is approximately 38°N latitude (roughly Point Reyes) and is closely associated with the 15°C (59°F) sea surface isotherm (Light et al. 1989; Burgner et al. 1992). The northern distribution extends slightly north of the Aleutian islands and does not appear to be influenced by water temperature (Light et al. 1989; Burgner et al. 1992; Pearcy 1992).

Steelhead stocks from Alaska to California are widely dispersed, extensively intermingled, and show little or no differences in ocean distribution (Light et al. 1988 and 1989; Burgner et al. 1992; Pearcy 1992). Of the 1,722 adult steelhead that were captured in the open ocean, disk tagged, and released during the 1956 to 1988 (32 years) International North Pacific Fisheries Commission (INPFC) high seas tagging experiments, nine of the 77 North American tag recoveries were from California streams (Burgner et al. 1992). These fish were tagged and released between 136°W and 157°W longitude and 45°N and 54°N latitude from June 1961 to May 1965 (Light et al. 1988). Of the nine steelhead recovered in California waters (all between July 1963 and November 1967), four were reported as

unknown recovery location. Based on the coordinates given for the four unknowns, these fish were caught in the Mad River, Mill Creek (Mendocino County), Eel River, and South Fork Eel River drainages. The other five fish were recovered in the Van Duzen, Carmel, and Russian rivers, Alder Creek (Mendocino County), and near Crescent City (Light et al. 1988).

Over 138 million steelhead were tagged/marked at North American hatchery facilities between 1978 and 1989 (Burgner et al. 1992). In California, an average of 200,000 coded-wire tagged (CWT) steelhead were released yearly between 1980 and 1985 (Johnson and Longwill 1988, as cited in Burgner et al. 1992). No CWT steelhead from California have been recovered on the high seas (Burgner et al. 1992). A single 1982 brood-year steelhead, released during March 1983 in the Feather River at Yuba City, was recovered near Petersburg, Alaska at 55°N and 131°W during August, 1983 (Burgner et al. 1992, updated unpublished data).

Half-pounders most likely do not travel a great distance offshore before returning to freshwater the first time. Once half-pounders have returned to sea after their first upstream migration, they probably migrate an unknown distance offshore before returning as mature adults (Burgner et al. 1992).

Based on ocean recoveries of disk-tagged steelhead from coastal California, it appears that California steelhead exhibit a more restricted westward ocean migration than stocks from the Columbia River basin, Washington, British Columbia and Alaska (Burgner et al. 1992). However, this may be an artifact of the relatively low number of CWT smolt releases from California (Burgner et al. 1992) or the low number of disk tag recoveries.

Ocean migration and distribution of California southern steelhead stocks is unknown. There have not been any tagging studies conducted on the southern streams to evaluate ocean distribution of southern steelhead and no fish tagged on the high seas have been recovered in these streams, with the exception of one return to the Carmel River in 1965.

Without additional (or any) direct evidence from recoveries of tagged steelhead, it is not possible to reliably separate stocks and differentiate ocean distribution of stocks between states and/or between California streams (Burgner et al. 1992). In addition, no steelhead fishery exists off the coast of California to evaluate whether southern steelhead stocks utilize these waters. Additional studies would be beneficial for understanding steelhead marine migrations and strengthening California steelhead management practices.

JUVENILE MORTALITY

Steelhead experience most of their marine phase mortality soon after they enter the Pacific Ocean (Pearcy 1992). Ocean mortality is poorly understood, however, because few studies have been conducted on this vast body of water. Possible causes of juvenile steelhead mortality are predation, starvation, osmotic stress, disease, and advective losses (Wooster 1983; Hunter 1983, both cited in Pearcy 1992; Pearcy 1992). Advective losses (mortality associated with the divergence of water currents which disperses nutrients and organisms that greatly depend on physical transport rather than active swimming) are likely lower for juveniles that enter the sea at a larger size (Pearcy 1992). Predation is probably the primary cause of marine mortality of juvenile steelhead, and mortality and fish size are presumably inversely related (Pearcy 1992). Known potential predators of juvenile chinook and coho salmon, and presumably juvenile steelhead, in marine or estuarine waters in Oregon include 29 species of fish, 36 species of birds, and eight species of mammals (Cooper and Johnson 1992).

Warm temperatures and low salinities have been correlated with poor survival of coho and chum salmon smolts (Holtby and Scrivener 1989; Holtby et al. 1990, both cited in Pearcy 1992). Pacific hake (*Merluccius productus*) and Pacific mackerel (*Scomber japonicus*) possibly invade nearshore areas and prey intensely on juvenile salmonids during warm water years (Holtby and Scrivener 1989; Holtby et al. 1990, both cited in Pearcy 1992). Coho survival may be influenced by river flow patterns (Pearcy 1992).

The Columbia River drainage has been greatly affected by dams and storage of water which have reduced the peak flow during the spring, retarding the downstream migration of smolts and affecting the size and structure of the Columbia River plume during the spring and early summer when coho (and steelhead) smolts enter the ocean (Francis et al. 1989, as cited in Pearcy 1992). A strong plume allows juveniles to expend less initial energy to migrate, and allows for a greater and quicker distribution throughout the marine environment. It is possible that reduced spring outflows of highly regulated rivers have decreased the extent of cold freshwater plumes into the Pacific Ocean, which would have otherwise disbursed the juveniles further offshore.

ADULT MORTALITY

Marine mortality of adult steelhead may occur from authorized and unauthorized high seas driftnet fisheries, predation, competition, and environmental conditions in the ocean (Cooper and Johnson 1992).

Authorized High Seas Driftnet Fisheries

Based on recoveries of marked/tagged North American steelhead (Light et al. 1988; Burgner et al. 1992), high seas steelhead distribution and driftnet fisheries overlap. The recent decline in steelhead abundance along the Pacific coast may be partially attributed to the harvest of steelhead in high seas driftnet fisheries (Cooper and Johnson 1992). The Japanese salmon driftnet fishery (mothership and landbased) closed in 1991 and the high seas squid driftnet fishery was closed at the end of 1992.

The authorized Japanese mothership salmon driftnet fishery was largest between 1973-1977 when a total of 21.4 million salmon were harvested per year (Cooper and Johnson 1992). The authorized Japanese landbased salmon fishery harvested 30.2 million fish per year (Cooper and Johnson 1992). The number of steelhead reported in the catch ranged from 2,761 in 1990 to 28,911 in 1983.

Cooper and Johnson (1992) estimated that less than 1% of the total salmonid catch in both of the authorized Japanese salmon driftnet fisheries were steelhead. The authorized Japanese salmon driftnet fisheries were primarily east of longitude 175°E. Based on limited tag recovery information for California steelhead, 157°W is the furthest west California steelhead are known to migrate, hence they may not have been influenced by this fishery.

The authorized high seas neon flying squid (*Ommastrephes bartrami*) driftnet fishery was operated by Japan, the Republic of Korea, and Taiwan (Cooper and Johnson 1992). By 1988, approximately two million miles of squid driftnet were set per year (Benton 1990, as cited in Cooper and Johnson 1992). The salmonid catches and the number of salmonid "dropouts" during net retrieval for the 1990 squid driftnet fishery was estimated by Pella et al. (1991): the Korean and Taiwanese steelhead bycatch was negligible with 35 and two steelhead harvested, respectively; the total estimated salmonid bycatch in the authorized Japanese squid driftnet fishery was 210,000 fish caught and 21,000 dropout fish. The estimated steelhead harvest in this fishery in 1990 was 9,200 (range 2,000 to 16,800), or 4% of the total bycatch (Pella et al. 1991).

An estimated 1.6 million steelhead adults return to the Pacific coast of North America (Light 1987; Burgner et al. 1992). The combined authorized high seas driftnet fisheries caught less than 3% of the adult steelhead returning to the Pacific coast of North America from 1983 through 1990 (Cooper and Johnson 1992).

Unauthorized High Seas Driftnet Fisheries

Unauthorized fishing on the high seas can potentially cause a substantial level of salmonid mortality (Pella et al. 1991; Cooper and Johnson 1992). A total of 71 and 165 foreign vessels was observed outside authorized fishing areas in 1990 and 1991, respectively (NOAA-NMFS 1991, as cited in Cooper and Johnson 1992). Cooper and Johnson (1992) estimated that the unauthorized high seas driftnet fisheries harvest between 2% (32,000) and 28% (448,000) of the steelhead that return to the Pacific coast of North America. Using this range and assuming there were approximately 250,000 California adult steelhead, an estimated 5,000 to 70,000 California steelhead were harvested in this fishery. This assumes that all fish have an equal chance of being harvested, which may not be a valid assumption.

Based on tag returns to California streams from the high seas steelhead tagging study, Hallock (1989) estimated that 24,600 California steelhead were killed annually by the squid fishery, or 12.3% of an "estimated" 200,000 steelhead that were harvested by the North Pacific squid fishery. The 12.3% estimate is based on a return of nine tags in California, out of 73 high seas tag returns to Pacific Coast streams¹. If North American steelhead stocks are extensively intermingled with little or no differences in ocean distribution (Light et al. 1988 and 1989; Burgner et al. 1992; Pearcy 1992), then Hallock's assumption that random tagging of steelhead on the high seas would lead to equal opportunity of tag recovery seems reasonable.

It is curious why no tagged steelhead have returned to California since 1967. Several possibilities exist. Perhaps none were returned even when a fish was caught or a carcass found. The Fisheries Research Institute (FRI) conducted a drawing for several large cash prizes during March 1993 (and will possibly continue the drawings annually) for all high seas tags recovered and returned. Possibly, California steelhead populations are lower than estimated, are not evenly distributed in the Pacific, and/or have a differential mortality rate subsequent to tagging from stress or disease associated with warmer water temperatures. Depending on the population size and distribution of California steelhead in the Pacific Ocean, harvest of California steelhead by the high seas driftnet fisheries may be (and have been) minimal. Even if the high seas driftnet fisheries harvested a combined 31% (3% authorized and 28% unauthorized) of the steelhead, the 50% decrease in North American steelhead runs observed between 1986-87 and 1990-91 cannot be solely attributed to this fishery (Cooper and Johnson 1992).

¹ As stated previously, Burgner et. al (1992) state there were 77 North American high seas tag recoveries. We assume the discrepancy is due to the recovery of additional tags after Hallock did his analysis.

Predation

Pinnipeds, in particular the California sea lion (*Zalophus californianus*), the Stellar sea lion (*Eumetopias jubatu*), and the Pacific harbor seal (*Phoca vitulina*), are often accused of consuming or injuring large numbers of salmonids and have a bad reputation with anglers (Beach et al. 1985, as cited in Cooper and Johnson 1992). Pinnipeds are primarily opportunistic and feed on schooling fish (e.g., herring, perch) and sedentary fish (e.g., sole, sculpin) in the marine environment (Brown and Mate 1983). Roffe and Mate (1984), found that pinnipeds fed opportunistically on fast swimming salmonids and less than 1% of the adult Rogue River (Oregon) summer steelhead were preyed on during their upriver spawning migration. Salmonids appear to be a minor component of the diet of marine mammals (Scheffer and Sperry 1931; Jameson and Kenyon 1977; Graybill 1981; Brown and Mate 1983; Roffe and Mate 1984; Hanson 1993). Principal food sources are lampreys (Jameson and Kenyon 1977; Roffe and Mate 1984), benthic and epibenthic species (Brown and Mate 1983), and flatfish (Scheffer and Sperry 1931; Graybill 1981).

Although predation on steelhead by marine mammals occurs, it is not likely an important factor in the coastwide steelhead population decline (Cooper and Johnson 1992). Based on catch data, some of the best catches of coho, chinook, and steelhead along the Oregon coast occurred after marine mammals, kingfishers, and cormorants were fully protected by law (Bayer 1989, as cited in Cooper and Johnson 1992).

Predation by California sea lions can have an adverse impact on local steelhead populations, particularly in areas where the fish are concentrated and provide greater opportunity for predation (Cooper and Johnson 1992). Pfeifer (1987), as cited in Cooper and Johnson (1992), estimated that 43% of the steelhead run into the Lake Washington system (Washington) was lost due to sea lion predation during the 1986/87 season, and he attributes the low escapement to these high predation rates. Predation appears to be greatest where adult steelhead are blocked or hindered in their migration and individual sea lions become accustomed to feeding on them.

Low flow conditions in streams can enhance predation opportunities, particularly in southern California streams, where adult steelhead may congregate at the mouths of streams waiting for high flows that will make the stream accessible. In addition, warmer water temperatures may affect steelhead mortality from predation directly or indirectly through stress and disease associated with wounds inflicted by pinnipeds.

Competition

Competition between steelhead and other species for limited food resources in the Pacific Ocean may be a contributing factor to declines in steelhead populations, particularly during years of low productivity (Cooper and Johnson 1992). Pacific hake and Pacific salmon could be competitors for the same food resource, and presumably with steelhead as well (Light 1985; Myers et al. 1990, both cited in Cooper and Johnson 1992; Cooper and Johnson 1992). Abundant releases of hatchery salmonids may increase competition and decrease survival and/or growth of hatchery and wild salmonids in the ocean (Cooper and Johnson 1992). During years of low ocean productivity (i.e., weak upwelling), smolt-to-adult survival rates indicated that increased competition and mortality occurred when large numbers of hatchery and wild smolts were combined (McCarl and Rettig 1983; Peterman and Routledge 1983; McGie 1984; Lin and Williams 1988, all cited in Pearcy 1992). Weak upwelling brings fewer nutrients from the ocean bottom to the surface, therefore primary and secondary productivity is low.

Environmental Conditions

Oceanic and climate conditions such as sea surface temperatures, air temperatures, strength of upwelling, El Niño events, salinity, ocean currents, wind speed, and primary and secondary productivity affect all facets of the physical, biological and chemical processes in the marine environment. "Subtle changes in key environmental parameters (e.g., ocean currents, wind speed and direction, and presence of predators) or large-scale changes (e.g., global warming) can alter abundance, distribution, and availability of fish populations" (Glantz 1990, as cited in Cooper and Johnson 1992).

The Alaska and California currents influence the biological production at all levels of the food chain in the North Pacific (McLain 1984; Francis and Sibley 1991, both cited in Cooper and Johnson 1992). The north flowing Alaska Current and the south flowing California Current are separated by the Subarctic Current. The strength and relative proportion of these currents can dramatically affect salmonid production along the continental shelf (Pearcy 1992).

El Niño and reduced salmonid production are often discussed in the same breath. El Niños are episodic and vary in intensity (Pearcy 1992). Some of the conditions associated with El Niño events include warmer water temperatures, weak upwelling, low primary productivity (which leads to decreased zooplankton biomass), decreased southward transport of subarctic water, and increased sea levels (Pearcy 1992). During El Niño years the divergence of the North Pacific Drift is far to the south, the mass transport into the Gulf of

Alaska is large (e.g., Aleutian atmospheric low pressure is strongly developed), and the subarctic influence in the California Current is decreased (Pearcy 1992).

For juvenile steelhead, warmer water and weakened upwellings are possibly the most important of the ocean conditions associated with El Niño. During the 1982-83 El Niño event, juvenile salmon distribution was shifted northward: few juvenile coho salmon were found off the Oregon and southern Washington coast and catches were high off the northern Washington coast (Pearcy 1992). During an El Niño year, juvenile California steelhead would need to migrate further north to find the preferred cooler water temperatures. Because of the weakened upwelling during an El Niño year, juvenile California steelhead would need to more actively migrate offshore through possibly stressful warm waters with numerous inshore predators. Strong upwelling is probably beneficial because of the greater transport of smolts offshore, beyond major concentrations of inshore predators (Pearcy 1992).

In addition, survival of maturing or adult steelhead may be affected by El Niño events. Pearcy et al. (1985) and Johnson (1988), both cited in Pearcy (1992), reported that 58% of the predicted Oregon adult coho production in 1983 died during their last year in the ocean. El Niño events may be highly stressful to California steelhead because they must travel through an abnormal amount of warm and relatively unproductive water.

The ocean is a complex system with many factors, both natural and human-influenced, that fluctuate primarily independently. Reliable prediction of the magnitude of salmonid populations returning to the North Pacific coastal streams may not be possible; rather, it may only be possible to predict the direction of change in salmonid populations (Cooper and Johnson 1992).

- It is essential that steelhead management and recovery efforts focus on factors affecting freshwater life history, since ocean life history is not as significantly affected by human activity.
There are probably many factors affecting the ocean life history of California steelhead, of which we have little knowledge and almost no control. Conversely, there is much evidence regarding the degradation of freshwater habitat and the detrimental effects that this has had on steelhead populations.
- Research on marine factors that may have an influence on steelhead survival should be continued.

POLICY ISSUES

In June of 1993, the Fish and Game Commission (FGC) adopted DFG's recommended changes to the *Steelhead Rainbow Trout Policy*. These changes were designed to update the policy and to bring it into better conformance with other policies and Fish and Game Codes. Because FGC policies provide guidance of a general nature, more specific DFG management guidelines are needed.

- The following will be adopted as Department of Fish and Game Policy:

STEELHEAD RAINBOW TROUT MANAGEMENT POLICY

Restoration of native and wild stocks is the highest priority for steelhead management. Management emphasis shall be placed on assessment of status, protection of populations and habitat, and restoration.

The greatest threat to this resource is freshwater habitat loss and degradation. The key to preserving habitat is to maintain adequate stream flows, including sufficient flows to provide access between ocean and freshwater environments. Steelhead restoration and management plans should contain the following elements, where appropriate:

- *Provisions for adequate streamflows through enforcement of appropriate Fish and Game codes and other statutes, and negotiations with water agencies and water users.*
- *Acquisition of important habitats and water rights.*
- *Restoration of access to historical spawning and rearing areas through barrier modification, fishway installation, or other means.*
- *Recommendations for watershed protection and land use practices.*

All available steps shall be taken to prevent loss of habitat. Because estuaries and lagoons provide important juvenile rearing habitat, especially in small coastal stream systems, the Department will seek to protect and restore estuarine and lagoon habitats.

Juvenile steelhead rescue will be limited to instances where, in the opinion of the Department, habitat conditions are temporarily inadequate and will not be used to mitigate for adverse effects caused by existing water developments or other projects, except where already approved in an accepted mitigation plan. Juvenile steelhead rescue will not be considered as mitigation for proposed water development or other projects. The Department shall strive to improve habitat conditions, alleviate threats, and renegotiate mitigation requirements at appropriate opportunities to eliminate the need for fish rescue operations.

Maintaining genetic variability is as important to the health of wild stocks as is maintaining habitat. Release of juvenile fish raised at artificial production facilities will be governed by the Department's Salmon and Steelhead Stock Management Policy. Artificial production, rearing, and stocking programs shall be managed so as to produce minimal interference with natural salmonid stocks.

Artificial production of steelhead will not be considered appropriate mitigation for proposed water projects. Trap-and-truck operations, because of their history of failure to fully mitigate for loss of habitat, will not be considered as mitigation for proposed water projects, except where already approved. For existing barriers that block access to historical spawning and rearing areas, trap-and-truck operations will only be considered if there are no other feasible alternatives.

CATCHABLE RAINBOW TROUT PLANTING

According to stocking records, there are several areas in the State where catchable trout planting may be in violation of the FGC *Steelhead Rainbow Trout Policy*. DFG will adhere closely to FGC policy and cease planting waters where anadromous stocks can be adversely affected. If it is determined that catchable rainbow trout stocking will not impact steelhead populations in a particular stream, then the stream can be proposed for inclusion on the list of waters exempt from the Policy.

As we become more successful in restoring access to reaches currently inaccessible to steelhead, catchable trout planting practices in these restored areas will be modified to remain in compliance with the *Steelhead Rainbow Trout Policy*.

There are several areas in the state, particularly on the south coast, where populations of native coastal rainbow trout are presently isolated due to installation of impassable dams or other unnatural barriers. These fish are derived from steelhead that became isolated from

the ocean by the construction of barriers but remain genetically similar to the anadromous forms (see page 93).

- To maintain the genetic purity of remnant native rainbow trout populations, DFG will not plant resident trout in streams where identified populations of native coastal rainbow trout exist.

MITIGATION

In areas where steelhead coexist with chinook salmon populations, mitigation is usually based on the more economically important salmon populations, with the idea that measures implemented to protect salmon will protect steelhead also. For the most part this is true, but there are two principal differences in life history between chinook salmon and steelhead that can lead to inadequate measures to protect steelhead populations.

Rearing. Juvenile steelhead usually rear from one to three years in the freshwater environment, whereas most juvenile chinook salmon rear for a period of just a few months. If a dam operator is only required to maintain adequate downstream temperatures and flows until most chinook salmon smolts have emigrated (usually by June for fall-run chinook), then habitat conditions can rapidly become intolerable for steelhead juveniles during the summer and fall periods. To maintain steelhead populations, favorable conditions must be maintained year-round.

Spawning and Rearing Areas. Steelhead, for the most part, are headwater spawners, because juveniles need to rear in cool, well oxygenated water for at least one year. When a migration barrier is placed in the lower elevations of a stream, adults are relegated to spawning in the lower reaches. Inadequate rearing conditions in the lower reaches result in severe declines of steelhead populations, even though chinook salmon populations may be able to persist because of their shorter rearing requirements.

RESEARCH AND ASSESSMENT NEEDS

CURRENT RESEARCH, MONITORING, AND ASSESSMENT

In response to pervasive large-scale aquatic habitat degradation in California, much of DFG's fishery management efforts have been directed towards habitat restoration, population monitoring, and environmental document review. Present research and monitoring activities are mostly directed towards chinook salmon stock assessment in response to the dramatic declines of the north coast fisheries and Central Valley salmon stocks. Relatively little research has been focused on steelhead; consequently, we have little up-to-date information about the majority of our steelhead stocks.

Assessing population status and environmental impacts is unquestionably of primary importance. However, basic life history and other biological information is necessary to understand the nature and characteristics of a stock so that appropriate management and response to adverse actions can be undertaken. Often, so little is known about a particular steelhead stock in an impacted or soon-to-be impacted system that responses must be based on the characteristics of other, more well-known stocks. Much of what is believed to be true of southern steelhead, for example, is based on general life history characteristics of more northerly winter steelhead stocks. For this reason, basic research into life history, distribution, habitat usage, age and growth, genetics, and harvest impacts should be undertaken for each stock.

Most of the research currently being done is centered on north coast steelhead stocks, mostly on the Klamath-Trinity system. Most information is collected incidently through salmon research programs, but there are a few ongoing studies dedicated exclusively to steelhead. DFG's Natural Stocks Assessment Project has been monitoring steelhead for the past several years, concentrating on life history, distribution, run size, and angler harvest in the South Fork Trinity River (Wilson and Mills 1992) and assessing the contribution of artificial production to escapement and harvest in the Trinity River system (Aguilar 1992). Research on genetics include Hodges et al. (1989) analysis of genetic variations of South Fork Trinity River steelhead and genetic analysis of Klamath and Smith river steelhead by the National Marine Fisheries Service (NMFS) as part of their Illinois River winter steelhead status review (Busby et al. 1993). Other recent research activities on the north coast include: investigations in the utilization of habitat types by naturally produced steelhead juveniles in the South Fork Trinity River basin (Glaze et al. 1991); ongoing monitoring of established steelhead and coho salmon index streams; development of a restoration protocol for Trinity River steelhead; and an unpublished, intensive study of Klamath River steelhead population size, distribution, run timing, and harvest conducted from 1977-1983.

Considerably less research effort has been expended on the central and south coasts and the Central Valley. Current studies are focused primarily on assessment of steelhead population status and habitat. On the central coast south of San Francisco Bay, studies have been conducted on water quality in small lagoons and estuaries, and the importance of these habitats to steelhead rearing (Smith 1990). Recent steelhead research efforts on the central and south coasts include: an ongoing assessment of steelhead populations in the southern portion of DFG's Region 3 (San Mateo, Santa Cruz, Monterey, and San Luis Obispo counties); an investigation into population regulation, life history selection, and habitat use by juvenile steelhead in the Big Sur River; a historical account and status review of southern steelhead populations (Titus et al. in press); a description of historic and current distribution of steelhead and resident rainbow trout (Swift et al. 1993); habitat assessment and research into micro-habitat distribution of steelhead/rainbow trout on Los Padres National Forest streams by the U.S. Forest Service; and determination of genetic profiles of southern steelhead/coastal rainbow trout (Nielsen 1994; Nielsen et al. in press).

In the Central Valley, fish counters were recently installed to monitor spawning escapement on Mill and Deer creeks. Run size of Sacramento River steelhead passing the Red Bluff Diversion Dam continues to be assessed by ladder counts.

In response to the petition to list steelhead populations of Idaho, Washington, Oregon, and California under the Endangered Species Act (ESA), NMFS has undertaken a status review of the steelhead populations in these four states. As part of this review, they are conducting a cursory genetic analysis of California's steelhead stocks south of the Klamath River.

RECOMMENDED FUTURE RESEARCH

Considerable attention has been focused recently on identification of Evolutionary Significant Units (ESU's) within anadromous fish species, for purposes of defining a "species" under the ESA. A population, or group of populations, is considered to be an ESU (and hence a "species" as defined by the ESA) if it is mostly reproductively isolated from conspecific populations and it represents an important component in the evolutionary legacy of the species (Waples 1991). "Evolutionary legacy" is the term used to describe the uniqueness of a population and its importance to the species as a whole. It is based upon genetical distinctness, uniqueness of habitat, unique adaptations to the local environment, and consequences of extirpation (Waples 1991).

For this reason, investigations into life history, behavior, straying rates, and genetic profiles of native steelhead populations are needed. Determination of ESU's is not only

important for ESA purposes, but also in determining management needs and actions. Investigations into life history and genetic characteristics are needed for the following populations of native steelhead: southern steelhead south of Pt. Conception; southern steelhead north of Pt. Conception; steelhead runs of Deer, Mill, and Antelope creeks and other Sacramento River tributaries; and steelhead populations in the Eel river basin. Also, genetic profiles of rainbow trout populations in isolated headwaters of streams in Los Angeles, Orange, and San Diego counties are needed to determine the relationship between these fish and southern steelhead populations.

DNA and allozyme analysis indicate that sympatric populations of summer and winter steelhead are more closely related to each other than they are to summer or winter steelhead of other drainages (see page 22). More studies are needed to elucidate the degree of genetic interchange between these two life history forms occupying the same drainages so that adequate management strategies can be applied. Questions that need to be answered include:

- What are the mechanisms and degree of isolation, and the extent of gene flow between the two life history types?
- Where do California summer steelhead populations spawn? Is it near their summer holding areas or do they migrate to more suitable areas?
- Are the life history types interchangeable? Can progeny of winter steelhead adopt a summer steelhead life history strategy?

Another area of research that has important management implications is the relationship between steelhead and resident rainbow trout forms, specifically:

- Do isolation mechanisms other than spatial exist between steelhead and resident forms? If so, what are they?
- Can anadromous progeny arise from resident parents? If so, what is the importance of this behavioral plasticity to the persistence of steelhead in those environments where isolation of headwaters due to drought is a natural occurrence?

Investigations into artificial production and anadromous fish culture include:

- Examination of physiological indicators of smolting to determine optimal release time.

- Determination of the best release location for steelhead raised at DFG hatcheries.
- Analysis of the contribution of artificially-produced fish to spawning escapement and harvest.
- An examination of the rate and degree of introgression of hatchery stocks into sympatric wild stock gene pools and resultant impacts on individual fitness in wild stocks.

Other areas of needed research include:

- Investigations of latitudinal differences in thermal tolerances of steelhead populations to determine if populations have adapted to local water temperature conditions.
- Analysis and comparison of various methods to differentiate ocean life history from freshwater life history.
- A historical review of steelhead literature in agency files for the north coast and Central Valley, similar to that done by Titus et al. (in press) for the south coast.
- Investigations of the effects of marine mammal predation on steelhead stocks.
- Evaluation of angling regulations and angler harvest to determine if harvest of juvenile steelhead is impacting steelhead populations on heavily fished streams.
- Determination of stream flow requirements for steelhead on individual streams.

Information on population size, distribution, run timing, and harvest of Klamath River steelhead that was collected from 1977-1983 by DFG should be published. This investigation is the only comprehensive steelhead study spanning several years that has been undertaken in California since Shapovalov and Taft's research on Waddell and Scott creeks in the 1930's and 40's and Hallock et al's study of Sacramento River steelhead in the 1950's. This information is extremely valuable and should be made available as soon as possible. Also, a description of age, growth, and life history of Klamath River steelhead from scale analyses (Hopelain 1987) is in the form of a complete draft, but needs to be finalized and published.

MONITORING AND ASSESSMENT NEEDS

In the north coast area of DFG's Region 5 (Santa Barbara, Ventura, and Los Angeles counties), the District Fisheries Biologist is responsible for management of aquatic resources, which includes steelhead population assessment. Although the majority of the duties of this position involves southern steelhead issues, most activities address habitat protection and management issues, consequently little population monitoring and assessment is done by DFG. Given the precarious nature of these populations and the likelihood that they will be listed under the Endangered Species Act, more extensive assessment is needed. A steelhead monitoring and assessment position needs to be established for this area. A possible alternative would be to expand the area of responsibility for the DFG Region 3 salmon and steelhead biologist so that it includes Santa Barbara, Ventura, and Los Angeles counties.

Because steelhead management attention may be shifted to the severely depleted stocks of the south coast and Central Valley, there is a danger that severe declines in the more abundant populations of the north coast may go unattended. Continuation of steelhead stream index monitoring is necessary to ensure that the health of steelhead populations of the north coast is monitored.

The Trout and Steelhead Conservation and Management Planning Act of 1979 provides much of the direction for DFG's Wild Trout Program and wild trout population monitoring. However, the great majority of effort of the Wild Trout Program is on resident wild trout populations. A greater involvement of Wild Trout Project and regional wild trout biologists in steelhead issues is necessary to adequately monitor important steelhead populations such as those of the upper Sacramento River tributaries, the Yuba and possibly Stanislaus rivers, and coastal streams of Mendocino, Sonoma, and Marin counties.

FUNDING RESOURCES FOR RESTORATION

There are several potential sources that provide funds for agency and public steelhead restoration programs. These include: DFG-Administered funds; Wildlife Conservation Board (Board) funds; and funding from other agency sources. Only one fund can be used solely for steelhead restoration, the others are also available for other specified uses. The amount of funds available from each source varies from year-to-year.

DFG-ADMINISTERED FUNDS

There are a number of funds that are administered through DFG's Fishery Restoration Grants Program. These include: Proposition 99, Proposition 70, the Steelhead Trout Catch Report-Restoration Card funds, the Bosco-Keene Renewable Resources Investment Fund (RRIF), the Central Valley Project Improvement Act (Public Law 102-575), and the Fisheries Restoration Account.

Proposition 99. The Public Resources Account of the Cigarette and Tobacco Products Surtax Fund (Proposition 99), provides funds for fish habitat restoration. The initiative provided 5% of the Fund revenues for the Public Resources Account for restoration of fish, wildlife, and habitat. Because of legal constraints, no Proposition 99 funds are available for fish rearing activities. Proposition 99 funds are directed toward habitat restoration projects only, based on the wording of Revenue and Taxation Code Section 30122(b)(5), which governs expenditure of these funds:

§30122(b)(5) "The Public Resources Account, which shall only be available for appropriation in equal amounts for both of the following:

(A) Programs to protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat on an equally funded basis.

(B) Programs to enhance state and local park and recreation resources."

There may be funds available for steelhead from Proposition 99, but funding for the Inland Fisheries Division from this source has been steadily declining.

California Wildlife, Coastal, and Park Land Conservation Fund of 1988 (Proposition 70). This initiative, approved by California voters in 1988, provided \$17

million to DFG. A total of \$6 million of this fund is to be used for restoration of wild trout and native steelhead resources, specifically:

- restore and enhance wild trout and native steelhead habitat.
- design, develop, and construct an experimental propagation facility for wild trout and native steelhead.
- acquire critical habitat important for the perpetuation of wild trout and native steelhead.
- provide public access to wild trout and native steelhead waters.

Most or all of the \$6 million was earmarked for the design and construction of the experimental wild trout hatchery. Some DFG biologists questioned the need for a large hatchery and believed that this money could be better used to acquire or improve critical habitat (CDFG 1993a). Currently, the money is being used primarily for habitat acquisition and projects, and secondarily, for the construction and operation of a less expensive, smaller-scale, portable, wild trout and steelhead hatchery facility (CDFG 1993a).

One concept is to have a portable egg taking and rearing facility mounted on a trailer that would be temporarily located at a project site (CDFG 1993a). The design would be similar in concept to the portable fish tagging trailers that DFG currently utilizes, except that the main trailer would house hatching jars, swim-up tanks, other fish culture equipment and appurtenant equipment. Portable tanks would be used to rear the number of fingerlings needed for any specific project.

Recommendations

- ▶ The highest priority for the use of Proposition 70 money should be for habitat acquisition and restoration projects.
- ▶ Secondarily, Proposition 70 money should be used to build small, portable hatchery/rearing facilities which could better meet the needs of restoring steelhead to streams where spawning and rearing habitat is inaccessible or limited, such as in the Central Valley.

Steelhead Trout Catch Report-Restoration Card. Funds generated from report card sales are for steelhead restoration and research only. The enacting legislation (AB 2187, implemented January 1, 1993) states that DFG can only use revenue from the sale of steelhead report cards to monitor, restore and enhance California's steelhead trout resources and to administer the card program.

Proposals for work in the area of steelhead habitat restoration, cooperative steelhead rearing, and public education will be considered annually for funding through the DFG's Fishery Restoration Grants Program. Approximately one-half to two-thirds of this dedicated fund (this will vary with the number of cards sold) may be available annually for steelhead restoration work. Top priority for funding will be given to projects directed at restoring steelhead populations primarily through habitat restoration. Temporary steelhead rearing projects must be operated in conjunction with specific steelhead habitat restoration projects or for the prevention of native stock extirpation.

Proposals will be evaluated by DFG and the California Advisory Committee on Salmon and Steelhead Trout. The proposals will be evaluated according to their adherence to steelhead management objectives as identified in this plan.

Bosco-Keene Renewable Resources Investment Fund (RRIF). Pursuant to Public Resources Code Section 34000, these funds may be used for salmon and steelhead hatchery expansion and fish habitat improvement. The amount of funding made available to DFG varies from year to year.

Title 34 of Public Law 102-575. Better known as the "Central Valley Project Improvement Act", this legislation was passed by Congress and signed into law in 1992. It established fish and wildlife protection and restoration as an overall CVP purpose, placed limitations on water contracting, reserved 800,000 acre feet of CVP yield for fish and wildlife restoration, and established a restoration fund of 50 million dollars annually. Federal or State funding (currently undetermined amount) may be made available for steelhead restoration in the Central Valley as this legislation is implemented.

Fisheries Restoration Account. The Keene-Nielsen Fisheries Restoration Act of 1985 created this account. Approximately \$12 million was appropriated by the legislation to the account between 1985 and 1987. The Act was reworded through 1990 legislation, which closely tied expenditures from it to projects called for under the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988. The Legislation provided no funding to the account, however. Appropriations to the account are described in Section 11.50 of the annual State Budget Act.

WILDLIFE CONSERVATION BOARD FUNDING

The Wildlife Conservation Law of 1947 (FGC Sections 1300 et seq.), authorizes the Board to make grants to public agencies and nonprofit groups for fish and wildlife habitat restoration. The Board has legal responsibility for disbursement of a variety of funds.

Wildlife Restoration Fund. This fund receives \$750,000 annually from horse racing revenues. The funds are directed to implementation of the Wildlife Conservation Law of 1947.

California Riparian Habitat Conservation Program. The California Riparian Habitat Conservation Act (FGC Sections 1385 et seq.) established this program to protect, preserve, and restore riparian habitat throughout the State through acquisition of interests and rights in land and waters.

California Wildlife Protection Act of 1990. This ballot measure, approved in 1990, created the Habitat Conservation Fund and provided for an annual appropriation of \$30 million to it from the General Fund. The General Fund obligation can be reduced on a dollar-for-dollar basis by transfers to the Habitat Conservation fund from other specified funding sources, including, among others, the Public Resources Account, Cigarette and Tobacco Products Surtax fund and the California Environmental License Plate Fund. The Board is responsible for administering annual appropriations to the Habitat Conservation Fund of up to \$11.5 million. Pursuant to FGC section 2786(e), funds may be used for acquisition, restoration, or enhancement of aquatic habitat for spawning and rearing of anadromous salmonids and trout resources.

OTHER AGENCY SOURCES

Cal Trans Environmental Enhancement and Mitigation Program. Funds are available to enhance or mitigate fisheries resources impacted by highway projects. The program provides grants to local, state and federal agencies and nonprofit entities to mitigate the environmental impact of modified or new public transportation facilities. The Environmental Enhancement and Mitigation Program was established by the enactment of the Transportation Blueprint Legislation of 1989 (AB 421, Katz). This legislation provided for an annual allocation of \$10 million that will be distributed through the Resources Agency to FY 2000-2001.

Grants for individual projects are generally limited to \$500,000 each, but may be larger if certain criteria are met. Categories of environmental enhancement and mitigation

projects eligible for funding include the acquisition, restoration or enhancement of resource lands to mitigate the loss of, or the detriment to, resource lands lying within or near the right-of-way acquired for proposed transportation improvements. Resource lands include natural areas, wetlands, forests, woodlands, meadows, streams, or other areas containing fish or wildlife habitat.

Environmental Protection Agency (EPA) Wetlands Protection Grants. The EPA Wetlands program, roughly \$500,000 allocated annually for California, is coordinated by the Resources Agency and is available to all interested state departments. This funding source may be available for riparian assessment, enhancement and restoration.

EPA Near Coastal Waters Program (NCW). The NCW Program was established by the EPA in 1986, to integrate and address coastal water issues. Through the NCW Program, EPA is encouraging coastal managers to use existing resources and regulatory authority, and innovative management techniques, to bring about measurable environmental improvements.

The intended use of these funds is to implement projects in specific coastal watersheds and offshore waters of California, Hawaii and the Pacific Islands, that protect and restore water quality and habitat. The selected California coastal watersheds and their associated offshore waters for FY 1993-94 are: San Diego Bay, Santa Monica Bay, Morro Bay, Elkhorn Slough, San Francisco Bay (up to the Carquinez Bridge), and the north coast watersheds.

Bring Back The Natives. This is a new national effort by the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), and the National Fish and Wildlife Foundation to improve the status of native aquatic species on public lands through riparian area rehabilitation, watershed restoration, and species reintroduction. Preserving the biodiversity and ecological integrity of unique areas is an essential component of the restoration strategy.

The Fish and Wildlife Foundation contributes money to the program in the form of a challenge grant to USFS and BLM. To receive funding for individual projects, the project proponent must secure an equal amount of funds from non-federal sources (e.g. private, corporate, or state sources). In addition, both BLM and USFS can contribute money to the projects. Thirty-four *Bring Back the Natives* projects received funding in 1993: the Fish and Wildlife Foundation provided a total of \$400,000 to projects, BLM and USFS contributed over \$800,000, and approximately \$400,000 was provided from non-federal contributions.

MANAGEMENT OBJECTIVES

For purposes of this plan, California steelhead populations are grouped into three management areas: North Coast (north of San Francisco Bay), Central Valley, and South Coast (south of San Francisco Bay) (Figs. 3, 5, and 8). These areas may not necessarily reflect biological domains or infer stock relationships, but they do contain steelhead stocks with similar life histories and characteristics. Also, stocks within the three areas are subject to similar impacts, hence they have similar management objectives.

It is beyond the scope of this plan to address all issues and problems within the management areas. The specific issues and problems that are discussed in this section are of a high priority, and implementing the proposed solutions will contribute significantly toward conservation and restoration of stocks within the management areas. The recommended management objectives specified in this section are relatively urgent and, in some cases, necessary to prevent the extirpation of specific wild stocks. All problems and issues have not been identified, however, so this section is not meant to be a complete prescription of needed actions and solutions.

North Coast

INTRODUCTION

The greatest abundance of steelhead in California occurs in coastal rivers and streams north of San Francisco Bay (Figs. 11 and 12). Because most of these streams and rivers are in relatively good condition, steelhead populations are in better condition than in other areas of the State. Most, however, have declined significantly in numbers and distribution from historical levels.

Several programs and planning efforts have been undertaken to identify impacts, problems, and solutions for anadromous fish populations on the north coast:

- Working groups within the California Advisory Committee on Salmon and Steelhead Trout (CACSSST) formulated regional salmon and steelhead restoration plans.
- The Klamath River Basin Fisheries Task Force (KRBFTF), created by the "Klamath Act" of 1986 (P.L. 99-552), developed a long-range plan for fishery restoration in the Klamath River system (KRBFTF 1991).
- Pacific Watershed Associates has prepared an action plan for restoration of the South Fork Trinity River watershed and fisheries.
- The U.S. Forest Service, together with DFG and California Trout, developed a management plan for the South Fork Trinity River and is managing the adjacent National Forest lands as part of a "Model Steelhead Stream Demonstration Project".
- The Trinity River Basin Fish and Wildlife Task Force, created by Federal legislation, has developed the Trinity River Basin Fish and Wildlife Management Program (TRBFWTF 1982).

In addition to these planning activities, DFG has several ongoing projects on the north coast to research and assess anadromous fish populations: Natural Stocks Assessment, Trinity River Project, Klamath River Project, and Trinity River Fisheries Investigations. DFG is also developing basin plans and implementing habitat restoration projects.

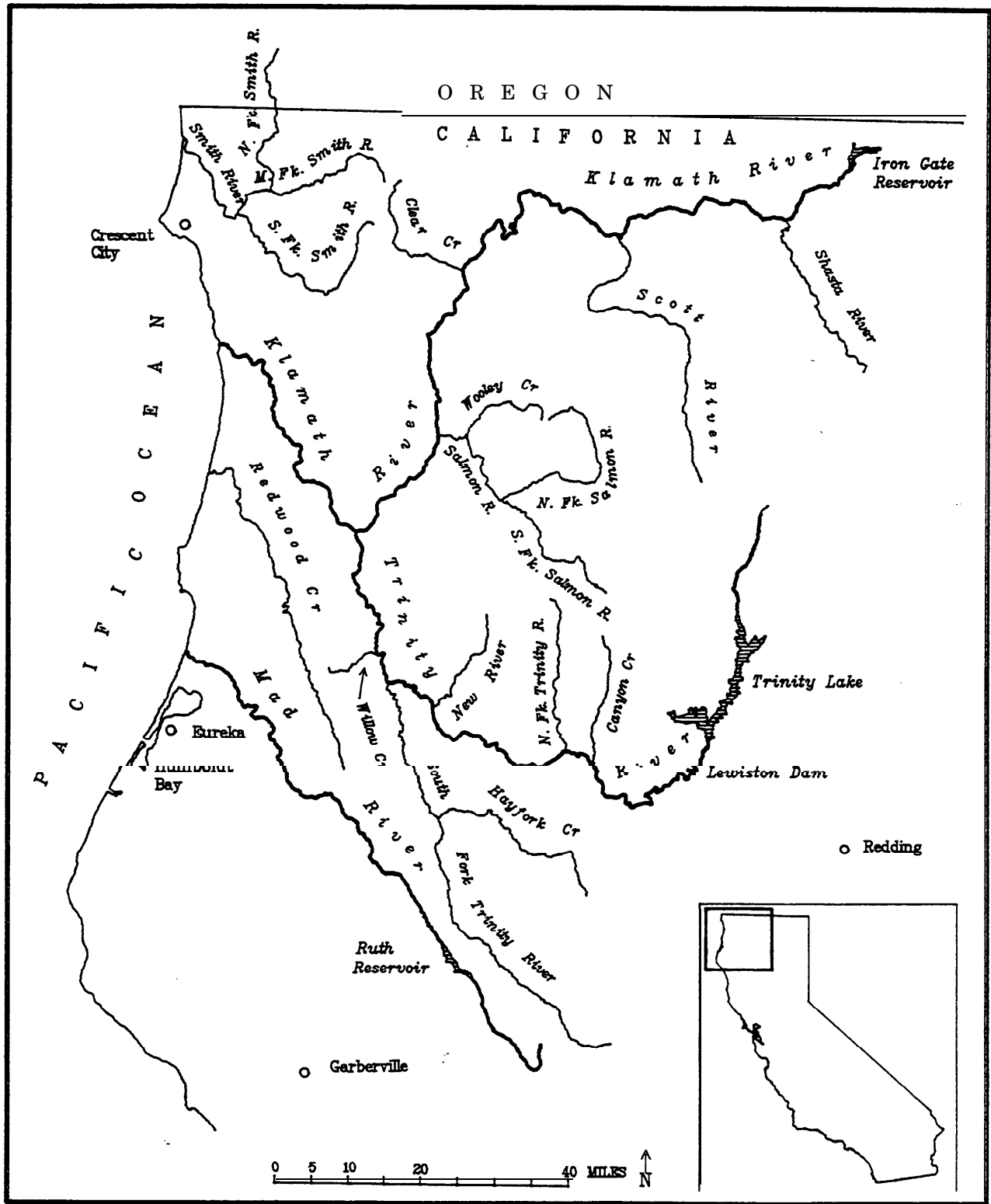


Figure 11. North coast rivers and streams.

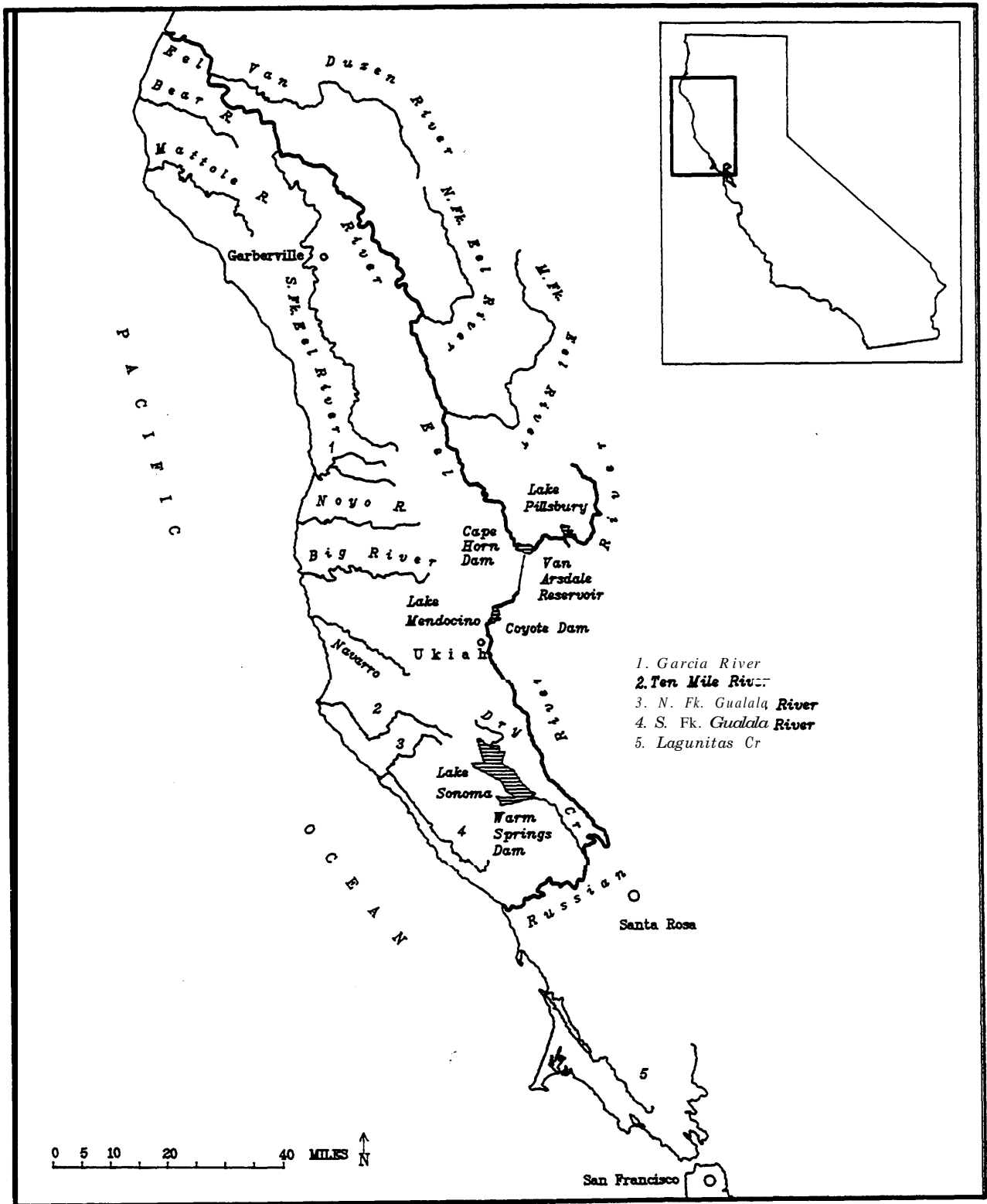


Figure 12. North coast rivers and streams, cont.

Impacts to north coast steelhead stocks are mainly from land-use activities, primarily timber harvest and agriculture. Although timber harvest practices are becoming more compatible with watershed and stream protection, adverse impacts are still occurring from past and ongoing activities. Intensive agriculture, primarily in the Scott and Shasta valleys, has caused severe habitat degradation from flow depletion, loss of riparian vegetation, agricultural runoff, and flood control and stream channelization activities. This has led to lowered stream flows, channel widening, decline in water quality, elevated temperatures, and loss of habitat.

The 1964 flood resulted in massive degradation of anadromous fish habitat. This flood event, probably the largest in the north coast area since 1750 (KRBFTF 1991), transported massive amounts of sediments into the stream channels. This scoured, widened, and aggraded the stream channels, filled in pools, sedimented spawning gravels, and decreased habitat diversity. The north coast streams and rivers have yet to fully recover. The flood is often cited as an example of how natural events can affect aquatic habitat. In truth, the devastating landslides and other sediment depositional processes probably resulted more from the decades of poor land-use practices and inadequate watershed protection than from the storm itself. The hillsides and sediments were poised to move, and the storm provided the energy to activate the movement.

- Management focus will be on maintaining and increasing population abundance, with principal emphasis on summer steelhead and other naturally reproducing stocks. Management efforts will be directed toward minimizing the impacts on streams from existing watershed disturbances, preventing new disturbances, restoring instream habitat, and recovering summer steelhead populations.

SUMMER STEELHEAD

Summer steelhead stocks (Table 4) have been declining steadily since the mid 1980's. This has led to concern about the future of summer steelhead populations in California and there has been consideration given to petitioning to list these populations under the state and federal Endangered Species Acts.

Several agencies are involved in assessment and restoration of summer steelhead populations: the U.S. Forest Service has been habitat typing summer steelhead streams and assessing population status on National Forest lands; Mendocino National Forest currently manages the Middle Fork Eel River as a summer steelhead sanctuary and have designated the

Middle Fork population a 'sensitive species'; the U.S. Fish and Wildlife Service has been conducting downstream migrant studies on the New River; DFG is developing suction dredging and angling regulations to protect populations and is responsible for enforcement of these regulations.

Existing angling regulations to protect summer steelhead include angling closures on adult summer holding areas and maximum size restrictions. In the Klamath and Trinity system there is a 14-inch maximum size limit and some areas are closed to fishing year-round. The summer holding areas on the M.F. Eel River are closed to fishing year-round and there is a maximum size limit of 14 inches on the tributaries.

Implementation of a hatchery supplementation program has been suggested for summer steelhead in the Trinity River (CDFG 1992b). Moffet and Smith (1950) found that adult steelhead were present at the Lewiston weir in June and July, indicating that summer steelhead utilized the upper Trinity River prior to the construction of Lewiston and Trinity dams. Weir and hatchery counts made in the early years of Trinity Hatchery show that a small number of adults returned to the hatchery from May through August (CDFG 1992b). Broodstock for the program would be captured at the Junction City Weir with possible augmentation with adults from the North Fork Trinity River population (CDFG 1992b).

Artificial propagation of summer steelhead has been discussed by the Threatened Trout Committee as a means to enhance existing populations. This will be evaluated in the *Summer Steelhead Management Plan* that is being prepared by DFG. Although a supplementation program, such as the one suggested above, will undoubtedly increase angler opportunities in the Trinity River, other considerations need to be included in the evaluation:

Hybridization with native summer steelhead stocks. Artificial supplementation can have deleterious genetic effects on wild stocks and can cause a reduction in fitness of the native stock. Straying of Trinity River Hatchery fish could result in hybridization with New River, North Fork Trinity River, and Canyon Creek wild populations.

Angling mortality. Increased angling pressure in the main stem Trinity River could result in increased mortality to native stocks. Mortality could still occur from hooking and handling stress even if restrictions to reduce or eliminate harvest, such as a zero bag limit, are implemented.

Founding population. There is considerable variation in steelhead run-timing, more so than with salmon, and there could be significant overlap of early-running summer and late-running winter steelhead. If arbitrary dates of run timing are used to select broodstock,

then introgression with winter steelhead could occur, similar to the situation that has occurred at Feather River and other hatcheries with spring- and fall-run chinook salmon.

Capture of native adults for broodstock could further depress native populations. Establishing a hatchery population size large enough to attenuate effects of inbreeding and genetic drift may result in substantial loss of spawners in the native populations. Although the New River and North Fork Trinity River populations are currently more robust than most other California populations, they may not be large enough to withstand a large removal of adults for hatchery broodstock. The 1992 census of adults of these two populations was about 600 fish total (CDFG unpublished data).

Disease. Diseases introduced by hatchery culture could be transmitted to the wild populations.

Findings

- DFG will urge land management agencies to prohibit construction of new roads into areas adjacent to adult summer steelhead holding habitat, and to remove unneeded roads. DFG will urge these agencies to prohibit development of new recreational facilities, such as campgrounds or swimming beaches, adjacent to holding areas.
- DFG will seek remedies for water projects that impair fish migration or significantly reduce stream flow in summer steelhead streams.
- DFG supports Forest Service land management plan recommendations to place the most productive summer steelhead streams into the National Wild and Scenic River system.
- DFG supports the implementation of the proposed "Aquatic Conservation Strategy" for federal lands. This will establish riparian reserves and "key watershed" protection for selected drainages, which includes most of the summer steelhead streams in California (see page 66).

Recommendations

- ▶ Periodic inventories of adult summer steelhead populations should be conducted by snorkel surveys or by operating fish counting weirs on selected summer steelhead streams.
Snorkel surveys will cover at least 80 percent of the holding areas in each surveyed stream and will be done in cooperation with other agencies. The surveys will be scheduled annually or biannually.
- ▶ Periodic aerial or ground reconnaissance surveys should be conducted to locate habitat disturbances and potential fish migration barriers. Prompt corrective action should be pursued.
- ▶ Suction dredge mining should be discouraged in summer steelhead holding areas. In addition, DFG will urge the Forest Service to require approved operating plans and performance bonds for all other mining operations potentially affecting summer steelhead.
- ▶ Angling Regulations:
 - * Catch-and-release angling or a 14-inch maximum size limit should be established for rainbow trout in identified summer steelhead waters. Terminal gear should be restricted to artificial lures with barbless hooks.
 - * Greater enforcement should be focused on curtailing poaching of adult fish in summer holding areas.
This includes posting more signs.
 - * Adjustment of angling seasons should be considered to limit catch-and-release angling to cooler water periods when hooking mortality is less.
 - * Adult steelhead reserves where no angling is permitted should be established on each summer steelhead stream to assure long term survival of populations.
Proposed reserves should encompass at least 25 percent of the holding habitat in each stream.

SMITH RIVER

We presently have very little information on the status of the steelhead resource in the Smith River, other than it appears to be in better condition than most other steelhead stocks in California. Anglers, professional fishing guides, and local residents have expressed concern to DFG and the Fish and Game Commission about the decline in steelhead size and catch rates in the Smith River. In response to this, DFG biologists met with USFWS and SEA GRANT personnel to evaluate proposed angling regulation changes. It was concluded that, based on available information, no emergency regulation changes were necessary, but other proposed regulation changes should be evaluated further (CDFG 1992c). Additional information on status of Smith River steelhead populations is needed, but DFG does not presently have the resources to implement a monitoring and assessment project in the near future. (Don Weidlein, Senior Fishery Biologist, CDFG, pers. comm.).

Recommendation

- ▶ An assessment of habitat, steelhead population, and fishery should be made for the Smith River.

LOWER AND MID KLAMATH RIVER

Timber harvest operations have caused the most severe impacts to the middle and lower Klamath River tributaries. Clear-cutting on steep slopes, road building, and other watershed perturbations associated with timber harvest operations have resulted in channel aggradation, elimination of surface flows on some tributaries during low flow periods, formation of unstable deltas at confluences, and sediment deposition on spawning gravels and in the estuary. In addition, loss of riparian vegetation has resulted in elevated stream temperatures. The potential exists for large-scale mobilization of sediments destabilized by storm events.

Native Americans of the Yurok, Hoopa, and Karuk tribes operate in-river subsistence and commercial salmon fisheries, primarily utilizing gill nets. Steelhead are not taken in great numbers because the mesh-size of the nets is large enough that most steelhead pass through (CH2M Hill 1985). If smaller mesh gill nets are employed to target grilse salmon, then take of steelhead could become significant.

Recommendation

- ▶ DFG should seek greater releases from Iron Gate Dam. Prior to construction of Iron Gate Dam, releases from Copco Reservoir were extremely erratic, and subject entirely to power production demands. Iron Gate Dam was built in 1962 to re-regulate releases from Copco. Although flow patterns have improved substantially, minimum flow release requirements to the Klamath River are not adequate to reliably sustain the fisheries (KRBFTF 1991). High water temperature in the river and at Iron Gate Hatchery is the most severe problem affecting steelhead. Poor gravel quality resulting from lack of recruitment and lack of scouring flows is also a concern (KRBFTF 1991).

SCOTT AND SHASTA RIVERS

Steelhead production in the Scott and Shasta rivers is constrained by severely degraded habitat conditions from timber harvest and agricultural practices. Almost every stream in these systems is diverted for agricultural or residential use, causing impacts such as low flows during the irrigation season, high water temperatures, degraded spawning gravels, loss of rearing habitat, and rapid flow fluctuations which strand juveniles in pools and side channels (CH2M Hill 1985). Impacts to the streams include channel widening, decrease in depth, and reduction in riparian vegetation. Resultant water temperatures frequently reach as high as 85° F in the Shasta River, which have caused fish kills of juvenile steelhead, and into the mid 70's in the Scott River (CH2M Hill 1985). Other problems include poor grazing practices which have led to severe bank erosion, trampling of banks and riparian vegetation, excessive nutrient input, and hindered or obstructed passage at irrigation diversion structures.

Stream diversions have greatly reduced the salmon and steelhead populations of the Scott and Shasta rivers, and may have been the primary cause for the elimination of summer steelhead and spring-run chinook salmon (KRBFTF 1991). Remedial actions, such as cattle exclusionary fencing, will have limited success unless more water is made available for instream uses (Ralph Carpenter, DFG Senior Fishery Biologist, pers. comm.).

Recommendation

- ▶ DFG should seek improved flows for anadromous fish populations in the Scott and Shasta rivers, through cooperative means with the diverters or through the SWRCB process if necessary.

TRINITY RIVER

The construction of the Trinity River Division of the Central Valley Project in 1963 eliminated access to 109 miles of spawning and rearing habitat above Lewiston Dam. Since completion of this project, about 90% of the natural runoff of the upper Trinity River has been diverted to the Sacramento River system (TRBFWTF 1982). This has resulted in significant changes to the river below Lewiston Dam. Reduced flows and lack of flushing flows has resulted in large accumulations of granitic sand and encroachment of emergent and riparian vegetation into the active channel. Consequently, the channel has become incised and narrower, and the complexity and amount of rearing habitat for juvenile salmonids has been reduced significantly. Also, the availability of spawning gravel has been reduced because the dense riparian vegetation inhibits recruitment of gravel and cobble from bars on the sides of the channel (U.S. Fish and Wildlife Service 1994).

Narrowing and deepening of the channel downstream from a dam is a common condition of regulated rivers (Kris Vyverberg, DFG Engineering Geologist, pers. comm.). Consequently, flows necessary to maintain the channel and remove encroaching vegetation are higher than under pre-project conditions. Also, releases necessary for channel maintenance can be infeasible given operational constraints of the project and loss of flood capacity associated with downstream development. To maintain the pre-dam active channel width on a river with a newly constructed dam would probably require biannual releases on the order of the pre-dam bankfull discharge and can be much higher if the vegetation is well established (Kondolf and Matthews 1993).

The Trinity River Basin Fish and Wildlife Task Force was formed to investigate and develop an action plan to define and correct fish and wildlife problems in the Trinity River basin resulting from construction of the Trinity River Project and from other causes. In 1982, the Task Force issued the Trinity River Basin Fish and Wildlife Management Program (TRBFWMP) Report, which outlined five major goals to restore fish and wildlife. The report identified 10 major actions and associated costs to restore fish populations and rehabilitate habitat. A three-year action plan was issued by the Task force in 1988 and a second three-year plan was issued in 1992. This most recent plan identifies over 100 restoration, supplementation, and monitoring activities to be completed over the next three years in the Trinity River basin.

The Trinity River Basin Fish and Wildlife Restoration Act (PL 98-541) was passed by Congress in 1984. The Act appropriated 33 million dollars over a 10-year period for design and construction of restoration projects and \$2.4 million annually for operation, maintenance, and monitoring. The appropriations expired in 1995, however, Congress has authorized a one-year extension. This legislation is being considered for re-authorization.

In 1981, in response to the continuing decline of anadromous fishes, the Secretary of Interior ordered an increase in flow releases from the Trinity Project, from 120,000 acre-feet to 340,000 acre-feet annually. In addition, the Secretary directed the U.S. Fish and Wildlife Service to conduct a 12-year flow and habitat evaluation. The Trinity River Flow Evaluation began in 1984. A permanent allocation will be made after completion of the evaluation in 1996. The Central Valley Project Improvement Act (PL 102-575) of 1992 stipulates a flow release of not less than 340,000 acre-feet per year into the Trinity River for "purposes of fishery restoration, propagation, and maintenance".

One of the early findings of the Trinity River Flow Evaluation was that natural side channels and shallow, slow-water areas along the margins of the channel provided valuable salmonid rearing habitat. In response to this, the Fish and Wildlife Service and the Bureau of Reclamation has embarked on a program to construct side channels and re-contour the banks by mechanically removing riparian sand berms ("feather edge bank improvements") to provide more rearing habitat in the mainstem. This program is currently in the environmental review process.

The Fish and Wildlife Service believes that once the riparian berms are removed from the river bars, a flow regime that simulates the natural hydrograph with high spring flow and low summer flow will prevent riparian vegetation from reestablishing on the feather edge sites. Removal of the berms will also free the river from confinement, which will allow it to undergo natural channel adjustments (U.S. Fish and Wildlife Service 1994). Given the current operating constraints of the Trinity River Project and the current flood plain delineation, flows alone will not be able to scour the mature alder and willow forests that are present in the riparian corridor (U.S. Fish and Wildlife Service 1994).

These measures are designed to increase habitat primarily for juvenile chinook salmon. Steelhead in the Trinity River system mostly utilize tributaries for spawning (Moffet and Smith 1950), but the mainstem probably was important for juvenile rearing. Moffet and Smith (1950) observed that steelhead spawned in the main stem Trinity River above Lewiston and that fry steelhead drifted "downstream to satisfactory holding areas in quiet water". Restoration of habitat conditions and flows in the main stem would benefit emigrating smolts and fry flushed from the tributaries by high flows.

An important component of this type of channel restoration project is providing the necessary flow regime to allow the channel and riparian corridor to function in a dynamic equilibrium. The Trinity River cannot be restored to pristine pre-project conditions, therefore some type of mechanical reactivation of gravel bars and removal of riparian vegetation will be necessary. However, implementing this type of river management without establishing the necessary flow regime that will allow the channel to be self-regulating can

lead to a highly intensive project that must be repeated and maintained every year, and may be of limited value.

- Greater releases to the Trinity River below Lewiston Dam are necessary to restore anadromous fish populations and habitat. Previous measures to restore the anadromous fish populations of the Trinity River have not been successful.
- A release schedule that provides flushing flows and mimics the natural hydrograph is necessary to restore juvenile habitat of naturally-produced steelhead. Implementation of technical, labor- and cost- intensive measures to restore juvenile habitat without identifying and providing needed flows will probably meet with little success.

SOUTH FORK TRINITY RIVER

The South Fork Trinity River is the longest free-flowing river in California. The lower 53 miles of the river is designated Wild and Scenic by both the state and federal governments. The primary basis for this designation was the outstanding value of its anadromous fish resource (California State Lands Comm. 1993). All populations of salmonid species in the South Fork have declined. Steelhead populations are monitored by DFG's South Fork Trinity River Steelhead Project.

Much of the watershed is composed of naturally unstable soils and terrain, which are susceptible to surface erosion and landslides, and much of it was logged in the 1950s and 60s, which destabilized the hillslopes even further. The 1964 flood event mobilized much of the destabilized soils and sent large amounts of sediment and debris into the stream channels, filling tributaries and the main channel of the South Fork with millions of cubic yards of sediment (California State Lands Comm. 1993). This massive sediment input filled pools, destroyed riparian vegetation, and aggraded the channel of the main stem.

The two primary factors affecting fish populations in the South Fork Trinity River today are: an oversupply of sediment from disturbed terrain; and agricultural practices in the watershed of Hayfork Creek, a major tributary. The oversupply of sediment continues to degrade habitat by filling pools and aggrading stream channels. Poor land use practices, primarily on sensitive or unstable private industrial forest lands, is probably the most important factor causing the degraded watershed conditions in the South Fork Trinity River

(Pacific Watershed Associates 1994). Agricultural practices result in insufficient flows, degraded riparian areas, lessened water quality, and increased water temperatures.

The *Action Plan for Restoration of the South Fork Trinity River Watershed and its Fisheries* was recently completed (Pacific Watershed Associates 1994). The plan describes the factors presently limiting anadromous fish restoration, reviews past research and monitoring activities, and lists actions necessary to restore the South Fork system and its anadromous fishes. Goals for restoration include controlling future sediment yields from disturbed lands, decreasing water temperatures, restoring stream flows and riparian vegetation, and increasing water quality.

Specific recommendations outlined in the Action Plan include:

- adopt "Best Management Practices" on sensitive forest lands, which include:
 - * defer from harvest sensitive or potentially unstable inner gorge slopes.
 - * 100 to 150 foot wide stream management zones, where no, or limited selective harvest is allowed.
 - * selective harvest and special road location and construction techniques for timber stands which drain directly into steep, unstable inner gorge slopes.
- define, map, and appropriately manage "sensitive lands".
- timber harvest practices on private lands should be reformed to prevent future erosion problems.
- some undisturbed forest areas should remain unharvested to protect healthy tributaries.
- all existing and abandoned forest roads should be inventoried, assessed, and prioritized for upgrading, relocating, or decommissioning. All active roads should be maintained and unnecessary roads should be closed and/or decommissioned.
- increase efficiency of agricultural water use.

- implement restoration immediately for riparian areas damaged by grazing or clearing on Hayfork Creek and tributaries, including planting vegetation and building cattle exclusionary fencing.
- delay future investments in instream structures until monitoring and evaluation demonstrate that they are effective.

The Action Plan recommends that a Coordinated Resource Management Plan (CRMP), involving local communities and responsible agencies, be initiated as the mechanism to obtain funding and implement these restoration measures. This process was recently begun.

DFG and the U.S. Forest Service have developed and implemented a Model Steelhead Stream Demonstration Project for the South Fork. Developed in conjunction with California Trout, this project was initiated in 1981 and a nine phase action plan was published in 1985. The plan outlines a comprehensive approach to rehabilitate damaged watersheds, recover steelhead populations, and restore habitat within the South Fork Trinity River basin (U.S. Forest Service 1985).

Activities accomplished by the Forest Service and DFG as of 1991 include: habitat typing of most significant tributaries; placement of over 500 fish habitat improvement structures; ongoing summer steelhead and spring-run chinook salmon censusing; completion of road systems inventories and installation of sediment stabilization structures; and implementation of monitoring programs (Irizarry 1991).

Recommendation

- ▶ Watershed and stream restoration activities in the South Fork Trinity River, as identified in the Action Plan for the Restoration of the South Fork Trinity River Watershed, should be accelerated.
DFG supports the Coordinated Resource Management Plan to restore the South Fork.

REDWOOD CREEK

Most of the lower one-third of Redwood Creek and a portion of the estuary lie within Redwood National Park. Created in 1968, the Park initially extended to only one-quarter mile on either side of the stream. In 1978, the Park was expanded to include the entire

watershed of the lower one-third of the stream. The upper two-thirds of the watershed is mostly private land.

Like many north coast streams, Redwood Creek is impacted by excessive sedimentation. The Redwood Creek watershed is highly erodible under natural conditions and the problem is greatly exacerbated by timber harvest activities (road construction and removal of forest cover) and grazing. These past and present land-use activities, primarily on private lands in the upper watershed, have resulted in aggraded and widened stream channels, filled pools, and elevated water temperatures.

The National Park Service has spent approximately \$11 million over the past 15 years on erosion control, rehabilitation of logged areas, and instream habitat projects within the Park (Anderson 1993). However, restoration in the upper watershed where most of the problem areas occur has not progressed to a great degree, and impacts to the stream are still occurring. The Park Service is conducting a basin-wide watershed analysis and is considering nominating the Redwood Creek basin as a "Sensitive Watershed" with the California Board of Forestry. However, the Park Service is attempting to work cooperatively with landowners upstream of the Park to insure that problems and key issues identified by the watershed analysis will be addressed. If this does not occur, the Park Service will submit their nomination for "Sensitive Watershed". This designation could result in more restrictive regulations for timber harvest companies to protect existing resources (Dave Anderson, Fishery Biologist, National Park Service, pers. comm.).

In 1968, approximately three miles of flood control levees were constructed on the lower river, from the Prairie Creek confluence to the estuary. This has caused the stream in this reach to become channelized which has resulted in a reduction in habitat diversity. In addition, the levees have affected the estuary by changing hydrology and sedimentation patterns, resulting in an decrease in total water volume. Routine levee maintenance has resulted in a loss of riparian vegetation.

Because of the degraded habitat conditions in the stream and tributaries, the estuary is probably very important for juvenile salmonid rearing. Juvenile steelhead are abundant in the estuary, and chinook salmon appear to be completely dependent on estuary rearing (Dave Anderson, pers. comm.). The Park Service is pursuing measures to restore the estuary, which could include land acquisition and removal or modification of the lower portions of the levees.

There are concerns that angling regulations on Redwood Creek are not protective enough of summer steelhead populations. Presently, much of the anadromous reach of the stream is closed year-round or is catch-and-release only, but the lowermost reach of the

stream is open year-round with a two fish daily bag limit. Summer steelhead populations are currently depressed, primarily due to a reduction in adult over-summering habitat caused by excessive sedimentation generated mostly from timber harvest activities and significant storm events (Anderson 1993).

There are two summer dams on Redwood Creek that are located upstream of the Park. There are some indications that these impoundments might be causing elevated water temperatures and other impacts (Dave McLeod, DFG Associate Fishery Biologist, pers. comm.).

Recommendations

- ▶ Watershed restoration activities in the upper watershed should be accelerated.
If this does not occur, then DFG should seek a "Sensitive Watershed" Designation with the Board of Forestry.
- ▶ Efforts to restore the estuary should continue, including removal or modification of those portions of the levees within the estuary.
- ▶ A 14 inch maximum size limit for rainbow trout in the lower reach of Redwood Creek should be implemented during the adult summer steelhead migration period to ensure that harvest impacts are minimized.
This population is so depressed that no harvest of adult summer steelhead should be allowed (see page 141).
- ▶ The effects of the summer dams in the upper reaches of Redwood Creek should be investigated.
If impacts are occurring, then conditions should be placed on Fish and Game Code 1603 agreements so that these impacts are alleviated.

EEL RIVER

As early as the 1930's, Shapovalov (1939) believed that Eel River anadromous fish populations were declining. He identified timber harvest, road construction, pollution, water diversions, and over-harvest as factors constraining anadromous fish populations in the Eel River system.

Today, timber harvest and other watershed disturbances continue to adversely effect steelhead and other anadromous fish populations. DFG is developing a long-term watershed plan for the Eel River Basin. Also under development is an Action Plan that will identify more immediate measures necessary to restore steelhead and salmon in the Eel River system. Specific measures to restore steelhead populations will be treated more extensively in this document.

Sacramento squawfish were introduced into the Eel River system in the late 1970's or early 1980's and have become widely distributed. Squawfish are efficient predators and there is concern that they may be exerting a substantial influence on salmon and steelhead populations. Squawfish, like most introduced fish predators, tend to be most successful where degraded habitat conditions have disfavored the native fish fauna and where man-made structures, such as dams or diversion facilities, have created circumstances that facilitate prey capture.

Preliminary results from stocking experiments indicate that upper Eel River naturally produced steelhead are being harmed more than hatchery fish. Steelhead eggs are taken at Van Arsdale Fisheries Station, cultured at Mad River Hatchery, and about 60,000 yearlings are released back into the upper Eel River. These fish return in greater numbers to the upper Eel River than do naturally produced fish, as indicated by counts at Capehorn Dam (Table 3). This may indicate that predation by squawfish is most severe on age 0+ steelhead.

Researchers on the Columbia River have demonstrated that northern squawfish (*P. oregonensis*) selectively consume a significantly greater proportion of dead chinook salmon juveniles than live juveniles (Gadomski and Hall-Griswold 1992; Petersen et al. 1994). They conclude, that in areas where dams and other facilities cause a significant mortality of emigrating salmon smolts, mortality from squawfish predation may be overestimated and overall impacts from water facilities may be underestimated. Nevertheless, predation, competition, or other unknown impacts caused by introduced fish cannot be beneficial to native populations.

DFG and other agencies are investigating the effectiveness of controlling squawfish populations through gill netting, seining, electrofishing, and explosives. A large-scale eradication program using toxicants had been proposed, but was rejected because of the complications involved in applying it effectively over the entire system, and the low probability of success. A more limited chemical treatment may be feasible, however. Chemically treating the Eel River system above and including Van Arsdale Reservoir (including Lake Pillsbury) is being considered.

Recommendation

- ▶ The feasibility of chemically treating the upper Eel River drainage above Van Arsdale Reservoir should be investigated.
This would reclaim one of the best steelhead spawning and rearing areas in the main stem (Larry Week, DFG Environmental Specialist, pers. comm). A smaller chemical treatment such as this, together with other methods of control for downstream areas should help to bring the squawfish populations to more manageable levels. Capehorn Dam would be an upstream migration barrier for squawfish, preventing reintroduction.

GARCIA RIVER

The Garcia River watershed drains approximately 114 square miles of the central coast in Mendocino County. Much of the upper watershed is forested, much of which has been logged. The lower portion of the watershed is mostly in agricultural production.

A watershed enhancement plan has been developed for the Garcia River (Mendocino County RCD 1992). The major finding of this plan is that historical and recent logging operations and gravel mining continue to impact the river and its tributaries. Like many north coast streams, the Garcia River suffers from excessive sediment yield generated mostly by timber harvest activities. This has resulted in channel aggradation, filling of pools, and loss of instream habitat diversity. High water temperatures in tributaries with inadequate riparian vegetation was also found to be a limiting factor for salmonids.

The plan identifies several long-term goals:

- protect existing habitat from further degradation;
- restore riparian areas;
- restore headwater tributaries that are impacted by excessive sedimentation;
- restore and enhance fish habitat of the lower mainstem once headwater tributaries have been stabilized;
- restore the estuary;
- begin water quality and fish population monitoring.

Recommendation

- ▶ Riparian and upper watershed restoration activities, as identified in the Garcia River watershed plan, should continue to be implemented.

RUSSIAN RIVER

Habitat for naturally spawning steelhead in the Russian River system is severely degraded and populations have declined substantially. Land-use activities, such as logging, road building, and grazing, have caused serious damage to the watershed and streams. Channelization, flood control projects, and gravel mining have directly impacted instream habitat, and the channel has become wider and more incised. The resulting effects of erosion and loss of riparian vegetation have smothered spawning gravels, reduced rearing habitat, increased stream width, and decreased stream depth.

Summer water temperatures in the mainstem are typically in the mid to high 70's. Loss of riparian vegetation, channel widening, filling-in of pools, and storage of water behind recreational summer dams have caused abnormally high water temperatures. From Cloverdale downstream, the river is broad and shallow with few pools and little riparian cover.

Legal and illegal water diversions in the mainstem and tributaries have resulted in inadequate flows and contributed to the problem of elevated water temperatures. In addition to the existing numerous diversions, there are still many water right applications pending before the State Water Resources Control Board (SWRCB). The SWRCB has ordered that an analysis of the cumulative impacts from the numerous existing and pending diversions be done.

There are several substantial barriers that block or impede steelhead migration. After 25 years of negotiation and litigation to provide passage at Healdsburg Dam, the most serious passage problem on the river, plans were finally underway to construct a fishway. However, a recent court decision found that the construction of a fishway constitutes a project and is not categorically exempt from the California Environmental Quality Act (CEQA). The court ordered that DFG comply with the requirements of CEQA and prepare an initial study and any subsequent appropriate environmental documentation. All progress towards the installation of this fishway has been halted until DFG completes the appropriate CEQA documents.

The steelhead run into Warm Springs Hatchery is usually in excess of fish needed to meet the Hatchery's mitigation requirement and other DFG needs. DFG Region 3 has recently developed a policy to provide these fish to private organizations for purposes of stocking within the Russian River drainage to supplement wild steelhead populations. Proposals for stocking are subject to the approval of DFG. Of primary consideration is potential adverse effects that stocking may have on established wild populations.

Recommendations

- ▶ Instream flow requirements for salmon and steelhead need to be determined. When the cumulative impact analysis of existing and proposed diversions is completed, DFG should make the appropriate recommendations to the State Water Resources Control Board (SRWCB) so that necessary instream flows are provided.

- ▶ A habitat restoration plan for the Russian River should be completed. DFG is in the process of developing a basin plan that will address habitat and management problems and identify measures to restore steelhead and other anadromous fish populations.

- ▶ DFG should continue to disapprove proposals to stock Warm Springs Hatchery surplus steelhead in streams or stream sections containing healthy wild populations. This is necessary to protect the integrity of wild fish populations. The problems in the Russian River system are habitat related and widespread supplemental stocking of hatchery steelhead will not alleviate the problem of declining steelhead runs in the Russian River (Ken Aasen, DFG Fisheries Management Supervisor, pers. comm.).

LAGUNITAS CREEK

Lagunitas Creek is the largest stream system in Marin County. It historically supported a very popular steelhead fishery, but like many Marin County streams, the population has declined significantly. Most of the impacts to these streams are related to water development and land-use activities such as urban development, grazing, and road construction. The resulting increase in sedimentation into the stream channel, coupled with a reduced capacity to flush the sediments from the channel due to water diversion, has caused a significant degradation of aquatic habitat (Smith 1986).

The Marin Municipal Water District (MMWD) is the largest diverter of water from the Lagunitas Creek system. MMWD has constructed several water project and diversion facilities on Lagunitas Creek and Nicasio Creek, a major tributary. In 1980, MMWD filed a water right application with the State Water Resources Control Board (SWRCB) to appropriate additional water from Lagunitas Creek to operate an expanded Kent Reservoir. In 1982, the SWRCB issued Decision 1582 which recognized the need for MMWD to appropriate additional water from Lagunitas Creek, but reserved a decision on permanent instream flow releases until additional environmental studies could be done. The decision also established interim instream flow requirements. In response to this, DFG conducted an instream flow study to identify the flow regime necessary to restore steelhead and salmon populations and habitat (Smith 1986).

The SWRCB held additional hearings in 1992, and in 1995 issued Order WR 95-17 which established minimum instream flows and other measures necessary to protect fishery resources, and amended the water rights and permits of the principal diverters in the Lagunitas Creek watershed accordingly. The instream flow standards set by the SWRCB are greater than the interim requirements, but substantially less than that recommended by DFG. The Order also required the MMWD to prepare and submit a Sediment Management Plan, a Riparian Management Plan, and a Monitoring Workplan. DFG will have the opportunity to provide input to the development of these plans and to review the draft and final plans prior to approval by the SWRCB.

Excessive turbidity and elevated water temperature are other problems which impact aquatic habitat in Lagunitas Creek. In the past, MMWD periodically pumped water stored in Nicasio Reservoir on Nicasio Creek, a major tributary to Lagunitas Creek, for release into Lagunitas Creek below Kent Reservoir to satisfy the interim fish flow requirement. Nicasio Reservoir water is much warmer and more turbid than Kent Reservoir water, and this degraded fish habitat for several miles downstream of the release point. The impact of the warmer, more turbid Nicasio Reservoir water on Lagunitas Creek fish habitat was most significant during the summer months. Order WR 95-17 now prohibits release of Nicasio Reservoir water into Lagunitas Creek below Kent Reservoir.

The San Geronimo Creek watershed has been identified as one of the major contributors of sediment to the Lagunitas Creek system. This relatively unstable watershed has been disturbed mainly by urban development and grazing. San Geronimo Creek contributes approximately 700 tons of sediment per year per square mile to Lagunitas Creek (Esmaili and Associates 1979, as cited in Smith 1986). Some watershed and stream bank stabilization projects have been implemented in this watershed. Fencing and riparian restoration measures have also been undertaken on Olema Creek, which has been identified

as another significant contributor of sediment to the system (John West, Tomales Bay Association Director, pers. comm.).

Recommendations

- ▶ DFG will work with MMWD in the development of the Sedimentation and Riparian Management plans and the Monitoring Workplan.
- ▶ Watershed, channel, and riparian restoration efforts on Lagunitas Creek and tributaries should be accelerated.

Central Valley

INTRODUCTION

The natural hydrography of the Central Valley has been greatly altered by agricultural and municipal water development (Fig. 5). Steelhead populations have been most severely affected by dams blocking access to headwaters of the main stem Sacramento and San Joaquin rivers and all the major tributaries. Inadequate flows due to excessive diversions, elevated water temperatures, and unscreened or poorly screened diversions have also contributed to the decline.

Declines in naturally spawning steelhead stocks have been greater than that of fall-run chinook salmon in the Central Valley because chinook salmon can utilize low elevation spawning habitats. Unlike steelhead, juvenile salmon require only a few months rearing time in fresh water. Thus, inhospitable summer conditions in low elevation reaches below dams, which can be very hostile for rearing steelhead, have little effect on fall-run chinook salmon because juveniles have already emigrated to the ocean. Central Valley spring-run chinook salmon stocks, which, under natural conditions, have a longer freshwater rearing requirement, and have life history characteristics similar to steelhead, have experienced declines as great in magnitude as wild steelhead.

As a direct result of dam construction, most of the headwaters in the system are now inaccessible to steelhead and the amount of spawning and rearing habitat available is negligible compared to historical levels. Minor Sacramento River tributaries which do not have impassable dams, such as Mill and Deer creeks, contain the last good spawning and rearing habitat available to steelhead in the Central Valley. Although the number of steelhead that spawn in the main stem is not known, it is probably quite low. Elimination of access to headwaters has, for the most part, rendered the Central Valley system unsuitable for natural reproduction of steelhead.

Development of increased water supplies has been the responsibility of the federal Central Valley Project (CVP) and the State Water Project (SWP), the two major water developers in the Central Valley. Major facilities of the two projects include six reservoirs with capacities greater than 1.0 million acre-feet, several thousand miles of aqueducts and canals, and two major pumping plants (which have a combined capacity of nearly 15,000 cfs) located in the Sacramento-San Joaquin delta. These massive water projects have greatly enhanced agricultural productivity and domestic water supply but have exacted a heavy cost on aquatic resources and industries which depend on them. Serious efforts by the water

agencies to reverse the decline in fisheries caused by the CVP and SWP have only been undertaken in the past few years.

There is no shortage of planning documents for restoring Central Valley anadromous fisheries. Most were developed because of low returns of chinook salmon, hence, their focus has been on salmon recovery, usually with the assumption that efforts to restore salmon would also benefit steelhead. This is, for the most part, a valid assumption, but adequate habitat conditions must be maintained year-round if steelhead are to benefit.

Perhaps the biggest problem with focusing on salmon is that it has resulted in inattention and lack of effort to assess the status of steelhead populations, particularly native populations. It is quite possible that naturally spawning steelhead populations in upper Sacramento tributaries have declined to levels less than that of winter-run chinook salmon, a state and federal endangered species, and spring-run chinook salmon, a population of concern. Hallock (1989) attributes this dearth of information on Central Valley steelhead stocks partly to the low priority steelhead are given by management agencies. He cites as an example, cancellation in the late 1950's of the only comprehensive steelhead research program undertaken in the Sacramento River system. Since that time, steelhead studies have been infrequent and narrow in scope.

Planning efforts to restore the anadromous fish resources in the Central Valley include:

- *Upper Sacramento River Fisheries and Riparian Habitat Management Plan* (USRFRHAC 1989). This plan, also known as the "1086 Plan" after Senate Bill 1086, was enacted into state law in 1986. It mandated the development of a management plan which identified needed actions with specified time frames, estimated cost and benefits, and proposed funding sources.
- *Central Valley Salmon and Steelhead Restoration and Enhancement Plan*. (CDFG 1990). This plan outlined DFG's restoration and enhancement goals for salmon and steelhead in the Sacramento and San Joaquin river systems and provides management direction.
- *Central Valley Project Improvement Act (PL 102-575)*. This legislation was passed by Congress and signed into law in 1992. It established fish and wildlife protection and restoration as an overall CVP purpose, placed limitations on water contracting, reserved 800,000 acre feet of CVP yield for fish and wildlife restoration, and established a restoration fund of \$50 million annually.

- *Restoring Central Valley Streams: A Plan for Action* (Reynolds et al. 1993). This plan identifies specific actions, priorities, and costs for anadromous fish restoration in the upper and lower Sacramento and San Joaquin tributaries.

In addition to these documents, DFG has published management plans for the lower Yuba (CDFG 1991a) and the lower Mokelumne (CDFG 1991b) rivers, and a steelhead restoration plan for the lower American River (McEwan and Nelson 1991).

- Management focus for Central Valley steelhead will be to recover native and wild populations and to restore hatchery maintained runs. Implementation of the actions identified in the plans mentioned above, and other actions discussed in this section, will assist greatly in achieving these goals.

MAINSTEM SACRAMENTO RIVER

The Sacramento River below Keswick Dam is beset with many of the ecological problems associated with highly regulated rivers. This river is important not only because it provides much of the State's water supply (35%), but also for its contribution to the State's sport and commercial salmon industries. These two potentially conflicting functions lie at the heart of California's present water controversy.

Impacts

Impacts to production and survival of steelhead and other anadromous fish in the main stem Sacramento River result from water diversions and associated structures; high water temperatures; pollution; channelization, flood control, and bank protection projects; and water export operations in the Sacramento-San Joaquin Delta.

Diversions. Three large-scale diversions, the Glenn-Colusa Irrigation District (GCID), Anderson-Cottonwood Irrigation District (ACID), and the Tehama-Colusa and Corning canals at the Red Bluff Diversion Dam (RBDD), can divert 3,000, 400, and 3,000 cfs, respectively. The mechanical drum screens on the GCID diversion are not effective and are responsible for the entrainment of large numbers of salmonids. The ACID diversion dam creates fish passage problems and requires a substantial reduction in releases from Keswick Reservoir to adjust the dam flashboards, which results in dewatering of redds, stranding of juveniles, and high water temperatures. Despite the presence of three fishways, RBDD continues to hinder upstream migration. Also, squawfish predation on juvenile salmonids is high at this facility.

In addition to the problems created by these large scale diversions, there are an estimated 300 smaller unscreened diversions on the Sacramento River between Keswick and the Delta.

High Water Temperatures. Elevated water temperatures in the upper Sacramento River has been a major factor in the decline of winter-run chinook salmon and may affect juvenile steelhead rearing in the river. High water temperatures result mostly from inadequate carryover storage in Shasta and other reservoirs.

Agricultural drainage is generally several degrees higher in temperature and can result in elevated temperatures in the lower river. The Colusa Basin Drain, which captures agricultural runoff in Glenn, Colusa, and Yolo counties, discharges into the lower Sacramento River and is responsible for causing high temperatures.

Pollution. Spring Creek Dam was built to capture pollution-laden runoff from the Iron Mountain Mine complex so that lethal effects of the pollutants could be attenuated by controlled releases from the reservoir. Spring Creek Reservoir has insufficient capacity and uncontrolled spills have resulted in documented fish kills in the 1960's and 70's (USFRHAC 1989). Greater releases from Shasta Reservoir are required to dilute the uncontrolled releases, which diminish storage needed to maintain adequate flows and water temperatures later in the year.

Other pollutants include: effluent from wastewater treatment plants; chemical discharges, principally dioxin and furans, from pulp and paper mills; and biocides from agricultural runoff. Agricultural drain water can contribute up to 30% of the total inflow into the Sacramento River during the low flow period of a dry year (Sacramento River Information Center 1993).

Channelization, Flood Control, and Bank Protection Projects. Bank stabilization projects generally entail removal of riparian vegetation and loss of habitat through replacement of natural bank with large rock riprap. This has led to extensive removal of large tracts of riparian forest, which results in reduced shading and reduction of instream habitat and organic inputs. Central Valley riparian forests have been reduced to about one percent of the original pre-Gold Rush acreage (Abell 1989).

Water Export Operations. The Harvey O. Banks pumping plant (SWP) and the Tracy Pumping Plant (CVP) have a combined maximum pumping capacity of 14,900 cfs, or nearly 30,000 acre-feet per day (Fig. 13). Fish screening facilities are located on the intakes to the pumping plants, but juvenile fish of many species are lost through the outdated louver screens. In addition, large numbers are lost through handling and trucking, and through

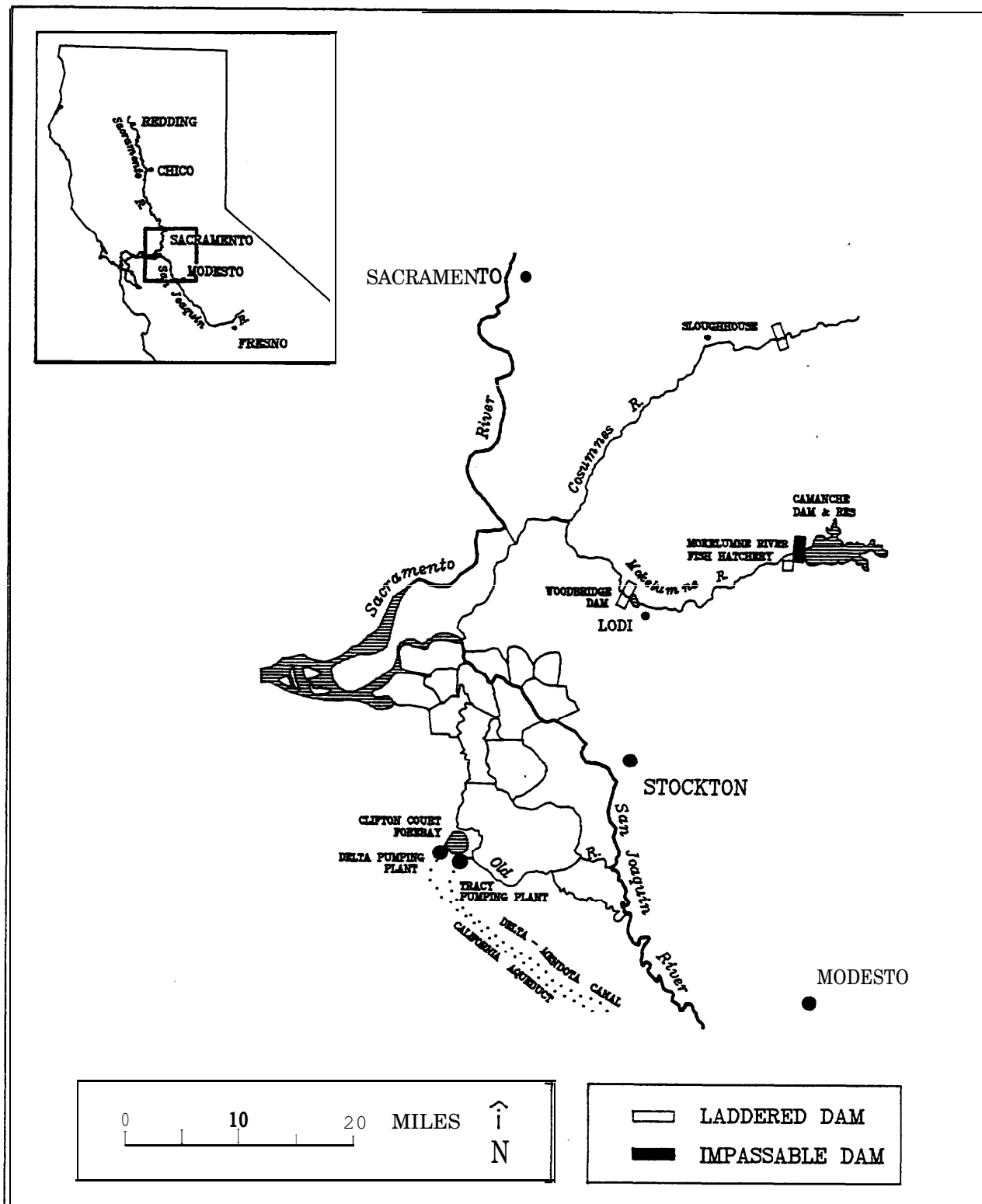


Figure 13. Lower reaches of the Sacramento and San Joaquin rivers and principal tributaries.

predation by striped bass and other piscivores in the diverted flow through the Delta, at the facilities, or in Clifton Court Forebay. The massive amount of water that is diverted and the resultant reduced outflows to San Francisco Bay has disrupted adult and juvenile salmonid migration, reduced anadromous fish populations, and changed hydro- and ecological dynamics of the delta and estuary. Water export operations have been identified as the major cause of the decline of salmonids, striped bass, non-game native fishes, and aquatic invertebrates.

The estuary, once an important rearing area for juvenile salmonids, is no longer a safe haven for juvenile rearing. Protective management strategies for Central Valley anadromous fishes now stress the need to pass them through the estuary as quickly as possible to prevent entrainment into the interior or south delta. The effect of the water export pumps on steelhead has not been investigated.

Restoration Measures

The planning documents previously mentioned describe and recommend corrective actions for many of the problems of Central Valley steelhead production and survival. Rectifying these problems will undoubtedly increase survival of migrating adults and juvenile steelhead. The most important of these actions include:

- Installation of state-of-the-art fish screens at the GCID diversion.
- Correction of fish passage and loss problems at RBDD. A pilot program is underway to determine the effectiveness of screw pumps as an alternative to the present gravity flow diversion. If this is effective, it would eliminate or reduce the need for the dam gates, and would allow unobstructed fish passage.
- DFG, DWR, and USBR have launched an aggressive campaign to screen small agricultural diversions. This includes educating farmers on the need for screening, involving them in the decision making process, and providing technical expertise. This program should be accelerated.
- Several organizations are attempting to establish carryover storage standards for Shasta Reservoir which will allow USBR to meet the water quality standards set forth in the Central Valley Regional Water Quality Control Board's *Sacramento River Basin Plan*. This should alleviate most of the temperature problems from Keswick Dam to Red Bluff.

- Iron Mountain Mine is an Environmental Protection Agency Superfund Site. Measures to clean up this site include diverting the upper Spring Creek tributaries away from the metal sources and reducing groundwater contamination by filling the mine shafts with concrete.
- Evaluation of the feasibility of rerouting the Colusa Drain so that it does not discharge directly into the lower Sacramento River.
- Mandates to restore the Sacramento-San Joaquin Delta/Estuary and salmon populations, and listing and proposed listing of several species of native fish has encouraged state and federal water agencies to begin considering actions to reverse the decline of the delta and other aquatic ecosystems. This may lead to implementation of measures such as curtailment of water exports during critical times of the year, a decreased frequency of negative flows in the lower San Joaquin River, and greater outflows to San Francisco Bay.

Recommendation

- ▶ Identified measures to restore the Sacramento River and estuary should be implemented as soon as possible.

UPPER SACRAMENTO RIVER TRIBUTARIES

Cow, Battle, Clear, and Cottonwood creeks offer the best opportunities for restoration of native and wild steelhead populations in the upper Sacramento River (Fig. 14). These streams have not been surveyed to assess steelhead populations for several years so the status of spawning populations is unknown, although it is assumed to be quite low. Incidental observations of steelhead have been reported in several of these streams.

Cow Creek. This stream still contains adequate habitat, and despite several impediments to migration, steelhead can still access the headwaters.

Battle Creek. Pacific Gas and Electric Company operates the Battle Creek Hydroelectric Project, which consists of two reservoirs, four unscreened diversions, and five powerhouses. Impacts to salmon and steelhead are from inadequate releases below the diversions, entrainment of juveniles, and removal of spawning gravel (USRFRHAC 1989). In addition, Coleman National Fish Hatchery, which is located on lower Battle Creek, does not consistently allow steelhead to access the stream above the hatchery for fear of introducing disease problems to the hatchery fish (Jim Smith, USFWS, pers. comm.).

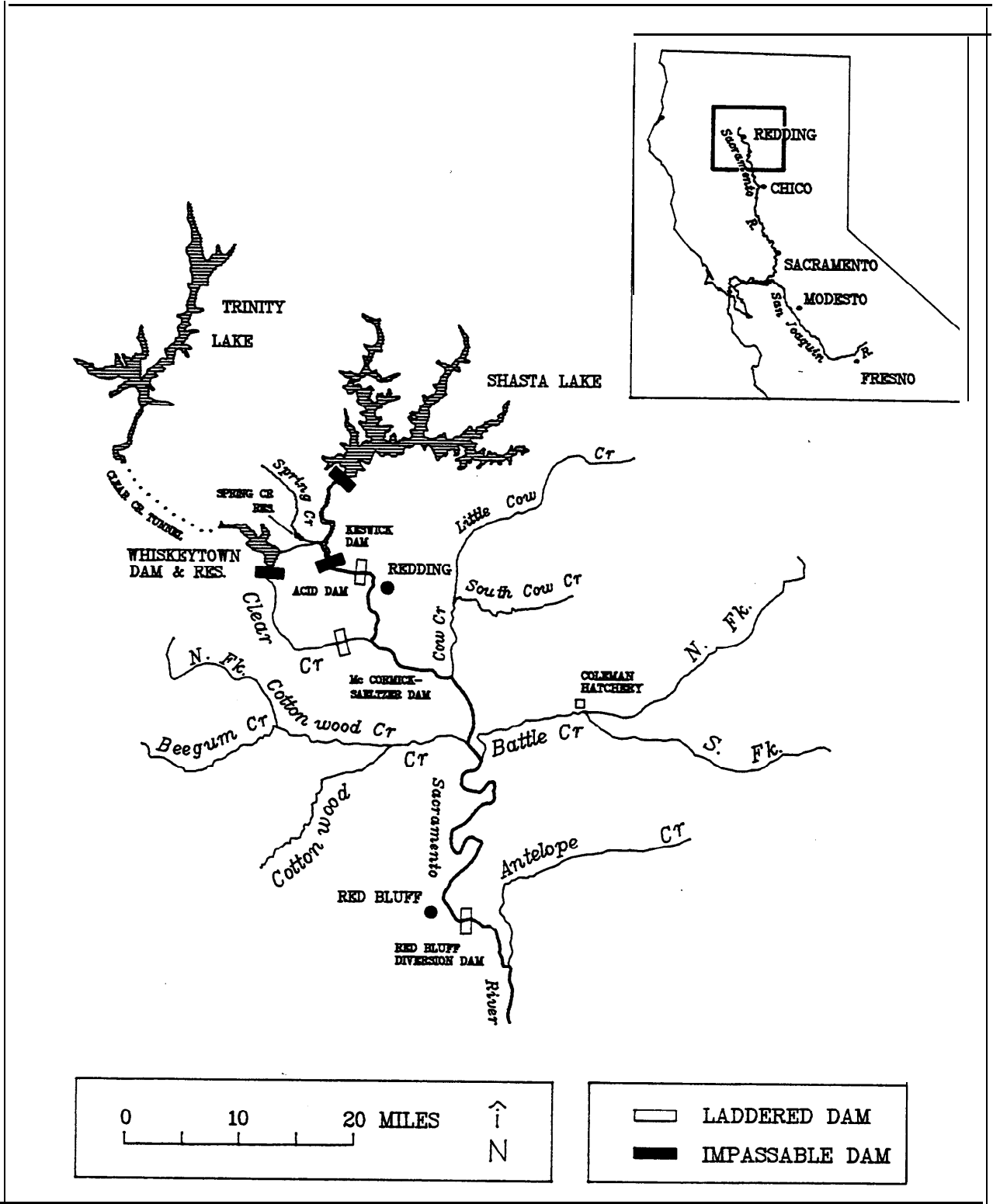


Figure 14. Upper Sacramento River and principal tributaries.

Clear Creek. Since the construction of Whiskeytown Dam in 1963, more than 85% of the natural flow of Clear Creek has been diverted for power production (USRFRHAC 1989). McCormick-Saeltzer Dam, located approximately halfway between Whiskeytown Dam and the confluence with the Sacramento River, has been a significant barrier to migration of steelhead and salmon. The fishway on the dam has recently been modified to facilitate passage. This should be adequate to allow steelhead to access the cooler water below Whiskeytown Dam, where temperatures are adequate for steelhead rearing (Colleen Harvey, DFG Associate Fishery Biologist, pers. comm.).

Cottonwood Creek. Steelhead habitat in Cottonwood Creek has been severely degraded due to scouring effects of high flows, siltation from timber harvest operations, road building, gravel mining impacts, and loss of riparian vegetation.

Recommendations

- ▶ Minimum bypass requirements at the diversions on the north and south forks of Battle Creek are inadequate. Greater stream flows should be maintained below these diversions.
Foregoing power generation will result in less diversion and greater bypass flows. DFG is exploring the option of compensating lost power production with USBR power or funds provided by the Central Valley Project Improvement Act (Dick Daniel, DFG Environmental Services Program Manager, pers. comm.).
- ▶ Steelhead should be allowed to ascend Battle Creek beyond Coleman Hatchery to spawn naturally.
Because there are so few steelhead spawning and rearing tributaries remaining in the Central Valley, steelhead should be allowed to access those that are still readily accessible. A water treatment plant is included in long-term rehabilitation plans for Coleman Hatchery which will provide a disease-free water supply for the hatchery despite the presence of steelhead in the upper reaches of Battle Creek. A funding source is needed before construction can begin (Jim Smith, USFWS, pers. comm.).
- ▶ Flow releases from Whiskeytown Reservoir to Clear Creek need to be increased.
The 1086 Plan (USRFRHAC 1989) identifies a need to more than double the current releases to provide adequate habitat for salmon and steelhead. Power production would be reduced but the bypassed flows would remain in the Sacramento River system so they would not be lost to CVP irrigation.

- ▶ The few remaining areas of gravel reserves in Clear Creek should be protected through acquisition or regulation. Gravel mining in Clear Creek has been extensive and has resulted in a substantial reduction in gravel available for spawning.
- ▶ Gravel mining on Cottonwood Creek should be monitored and restricted, if necessary, to insure that operations do not adversely impact steelhead.

MILL, DEER, AND ANTELOPE CREEKS

Mill, Deer and Antelope creeks have the greatest potential for restoring wild steelhead populations in the entire Central Valley system (Fig. 15). These streams have fairly pristine, well-protected, upper reaches with ample spawning and rearing habitat but they suffer from inadequate flows in their lower reaches.

Spring run Chinook Salmon Restoration Efforts. Recently, there has been considerable attention placed on the restoration of spring-run chinook salmon populations in Mill, Deer, and Antelope creeks. The *Spring-run Chinook Salmon Workgroup* has been established to explore measures to recover these populations so that listing under the Endangered Species Act (ESA) does not become necessary. Implementation of restoration measures to restore spring-run chinook will likely benefit steelhead, however, focusing all of the attention on one species can lead to inadequate assessment, management, and recovery efforts for other species. Steelhead need to be included in the recovery process for the following reasons:

- There are indications that there are less wild steelhead in these streams than there are spring-run chinook (Harvey 1995).
- Steelhead have been petitioned for listing (Oregon Natural Resources Council et al. 1994) and there is a possibility that they will be designated as Endangered or Threatened in the near future.
- Focusing on a single species can lead to actions that may unintentionally harm other species, or appropriate actions to improve habitat for other species may not be implemented because there is no direct benefit on the target species.

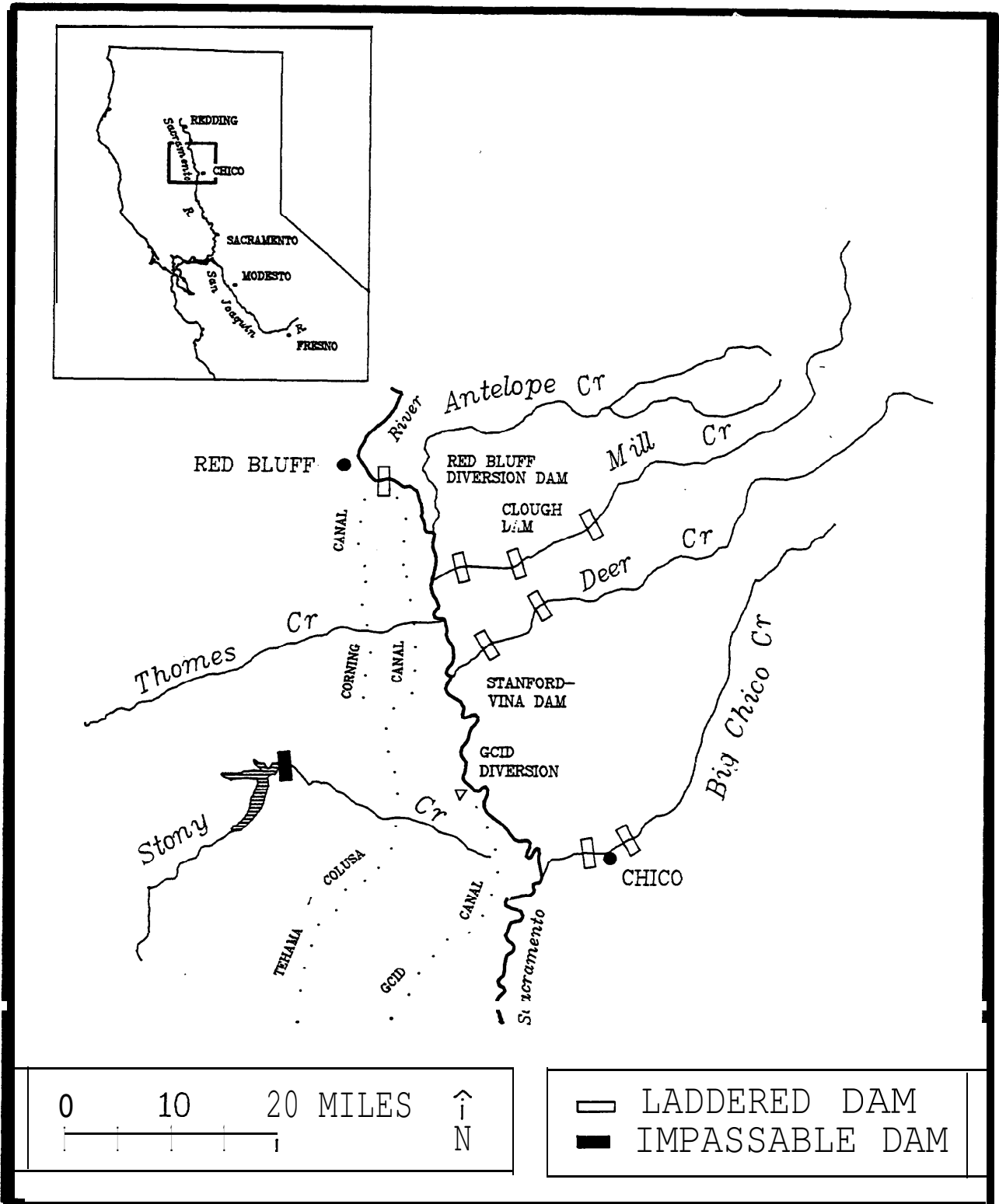


Figure 15. Sacramento River and principal tributaries from Red Bluff to Chico.

Recommendation

- ▶ Agencies and constituent organizations concerned with spring-run chinook salmon restoration on upper Sacramento River tributaries should focus their efforts on restoring all anadromous fish populations, rather than a single species.
Steelhead need to be included in recovery planning for anadromous fish habitat in upper Sacramento River tributaries.

Instream flows. There are two major diversions in lower Deer Creek which divert most of the natural flow. Late-spring and early-summer diversions can result in blocked access for late-migrating adults and the inability for downstream migrating smolts to reach the Sacramento River. In addition, the fishways on the lowermost diversion dam have difficulty passing fish at low flows. Reduced streamflows also lead to higher water temperatures and can cause a complete temperature block. A 50 cfs flow is estimated to be necessary to provide unimpeded migration (Reynolds et al. 1993).

Mill Creek suffers from the same problems associated with reduced flows in the lower reaches. In addition, Mill Creek carries a heavy sediment load. Much of the sediment is of natural origin from volcanic activity in Lassen Volcanic National Park, but some is from timber harvest and road building practices in Lassen National Forest (USRFRHAC 1989).

Antelope Creek is impacted mostly by two low elevation diversions which can dewater the lower reach of the stream when both are in operation. Flow is typically diverted April through October which would impact migrating adult steelhead at the end and beginning of the run, and smolts that are migrating in the spring. The upper reach of Antelope Creek is still fairly underdeveloped and contains good habitat for steelhead.

- A solution to the inadequate flows in the lower reaches of Mill, Deer, and Antelope creeks involves exchanging surface flows for ground water, with funds provided to the diverter to pay power costs for pumping.
This is being implemented. Another potential solution would be to acquire key lands and water rights to the streams.

Lassen National Forest Issues. Most of the steelhead spawning and rearing habitat of Mill and Deer creeks lies within the Lassen National Forest (Fig. 16). The U.S. Forest Service has recently released their final *Land and Resource Management Plan* (LRMP), which will direct future activities and objectives for managing the lands and resources of the National Forest. DFG has appealed the Notice of Decision and Final Environmental Impact

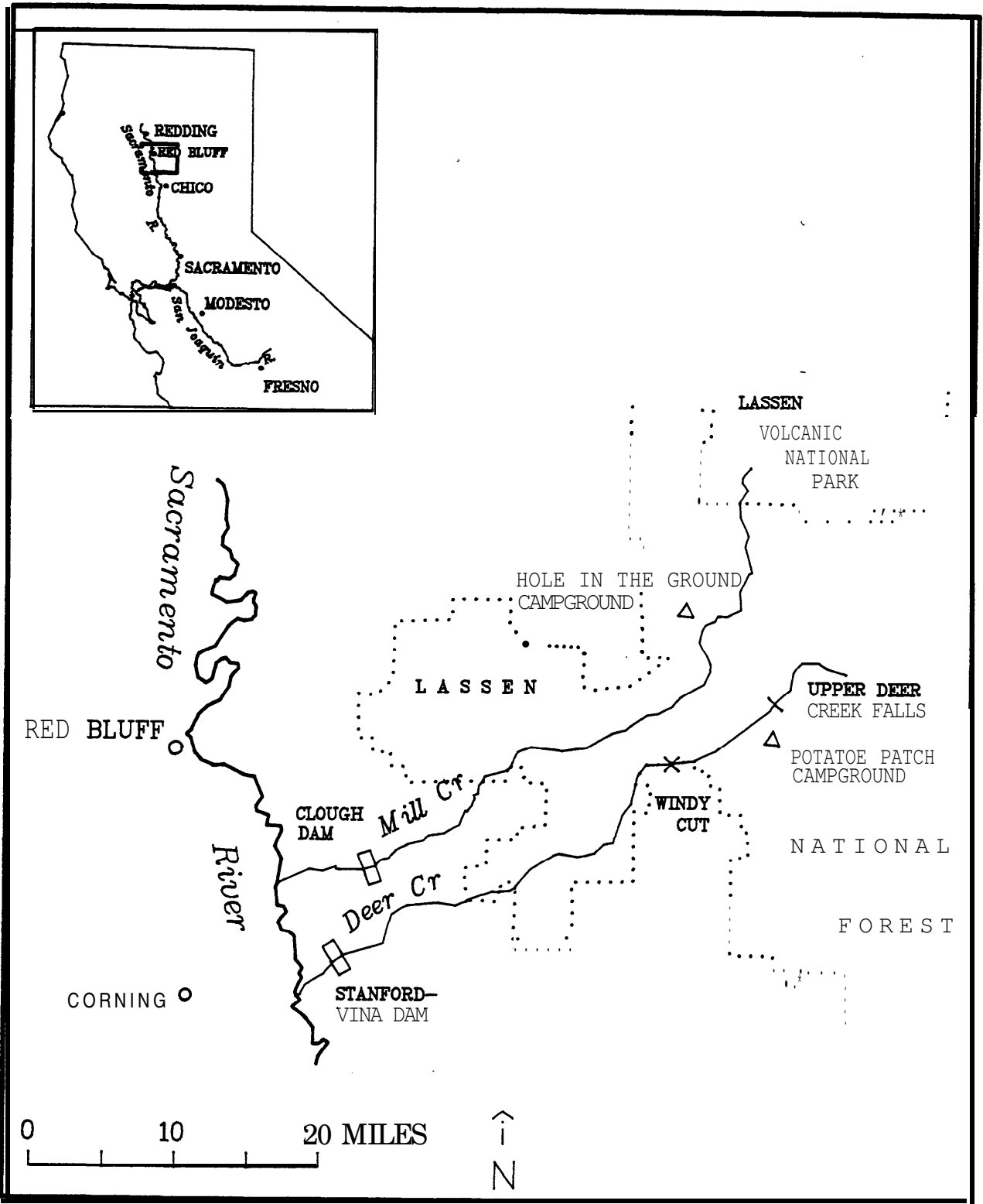


Figure 16. Mill and Deer creeks.

Statement (CDFG 1993b). There is a concern, now that the problems in the lower reaches are being resolved, that the critical holding and spawning habitat in the mid reaches may become impacted by inappropriate forest management. Reasons for the appeal pertaining to anadromous fish are:

- The need for a watershed study of the Mill Creek drainage to identify significant sediment sources and plans to reduce sediment impacts was not addressed.
- The LRMP would allow road building, logging, campground construction, and increased access on presently unroaded areas adjacent to the most important spawning and holding habitat for spring-run chinook salmon on Mill Creek.
- The LRMP does not incorporate protections for 200 foot corridors on Class I, II, and III perennial streams, which would allow significant impacts from logging to occur.

Lassen National Forest has recently come under PACFISH management strategy to restore anadromous fish habitat (see page 67). Because of this, the LRMP may be amended to provide greater long-term protection for anadromous fish habitat on Mill and Deer creeks. The Forest Service is presently managing those portions of Mill and Deer creeks on Lassen National Forest lands as if they were designated Wild or Scenic.

- DFG supports the inclusion of the above protections in the Lassen National Forest *Land and Resource Management Plan* for the Mill and Deer creek watersheds.

Mill and Deer creeks have been proposed for inclusion in the State and National Wild and Scenic Rivers Acts. Recent legislation required the California Resources Agency to evaluate these two streams for their suitability for Wild, Scenic, or Recreational status. Jones and Stokes Associates, an environmental consulting firm, has recently completed a study which concludes that portions of both streams are suitable for inclusion in the State act. Designation of these streams as Wild or Scenic could provide greater protection for aquatic habitat in these streams. Alternatives designed to afford equal habitat protection are currently being investigated by local watershed groups.

Trout Stocking. Until very recently, DFG planted catchable rainbow trout at Potato Patch Campground on Deer Creek (about two miles downstream from Upper Deer Creek Falls) and at Hole-in-the-Ground Campground on Mill Creek (Fig. 16). These two areas are

within the anadromous reaches of these streams and they have good spawning habitat for steelhead and good holding habitat for spring-run chinook (Frank Fisher, DFG Associate Fishery Biologist, pers. comm.).

Policy changes recently adopted by the Fish and Game Commission (FGC) directed DFG to cease stocking of catchable trout in the anadromous portions of these streams. This change was adopted because of possible impacts to steelhead and spring-run chinook salmon from catchable trout planting and intensive angler use. These impacts could result from competition and possible hybridization between residualized rainbow trout and native steelhead, increased harvest on juveniles associated with heavy fishing pressure, and trampling of late spawning steelhead and spring-run chinook salmon redds. Angling and rainbow trout plants are not a major cause of the declines of spring-run chinook salmon and steelhead, but they could impede restoration of the naturally spawning population.

Angling Regulations. Currently, Mill and Deer creeks support popular rainbow trout fisheries. The decline of wild steelhead and spring-run chinook salmon in Mill, Deer and Antelope creeks has necessitated a change in fishery management strategy for these and other upper Sacramento River tributaries, however. DFG is currently managing these streams for anadromous fish and is actively pursuing measures to correct habitat and streamflow problems that have impacted these stocks. The recent regulation changes recommended by DFG and adopted by the FGC conform to DFG's new management direction to restore the salmon and steelhead populations in the anadromous portions of these streams.

Until very recently, regulations on the mid- and upper reaches of Mill, Deer and Antelope creeks allowed angling from the last Saturday in April through November 15. Five rainbow trout over 12 inches could be possessed per day. It is unknown how many adult steelhead were harvested, but the five fish limit could have allowed for a substantial number to be taken. The lower reaches of these streams were closed to angling in 1990 to protect migrating adults, especially because of their vulnerability during low flow conditions.

Compilation of the fish counts from Clough Dam on Mill Creek from the 1953-54 through 1962-63 seasons (Hallock 1989) show that 39.6% of the run passes through the fishway from September 17 through November 18. Assuming that run timing on Deer and Antelope creeks are essentially the same, approximately one-third of the spawning populations of these three streams would have been subjected to a fishery with a five fish daily bag limit. The potential for over-harvest is substantial and could have been a factor in the decline of these populations.

The critically low population levels necessitated a change in angling regulations to prevent any possible harvest of these fish. The new regulations for these streams, which became effective March 1, 1994, include:

- Retention of the present year-round closures on the three streams.
- Reduction in daily bag limit to 0 trout from the upstream end of the present closures to: Upper Deer Creek Falls on Deer Creek; the Lassen Volcanic National Park boundary on Mill Creek; and the confluence with the North Fork Antelope Creek on Antelope Creek.

Monitoring. A multi-year monitoring program, funded by *Steelhead Trout Catch Report-Restoration Card* revenues, began in October, 1993. Electronic fish counters were installed on the fishways on Clough Dam on Mill Creek and Stanford-Vina Dam on Deer Creek, and are staffed by scientific aids. This effort will be similar to the spring-run chinook salmon monitoring program that is currently being done on these two streams, but will be broader in scope and will continue through the entire steelhead migration season (September through June).

- DFG will continue monitoring efforts on Mill and Deer creeks.

Endangered Species Act Considerations. The Tehama Flyfishers (1992) have expressed a concern regarding the continued existence of native Central Valley steelhead and have considered petitioning the Fish and Game Commission to list these populations under the California Endangered Species Act. Measures to protect the Mill and Deer creek watersheds and restore the steelhead populations are necessary to prevent further declines which will necessitate listing.

BUTTE CREEK

The construction of Pacific Gas and Electric's Butte Creek and Centerville head dams in the foothill reach of Butte Creek eliminated steelhead access to the headwaters of the Butte Meadows basin (Brown 1992). Steelhead are now restricted to the lower reaches of the canyon and tributaries such as Dry Creek. In addition, there are ten diversion dams on the Valley reach of Butte Creek, all of which are known to impede salmon and steelhead migration (Fig. 17). All of these diversions are unscreened. These diversions, and the complexity of water right ownership in lower Butte Creek, result in inadequate flows and blocked passage.

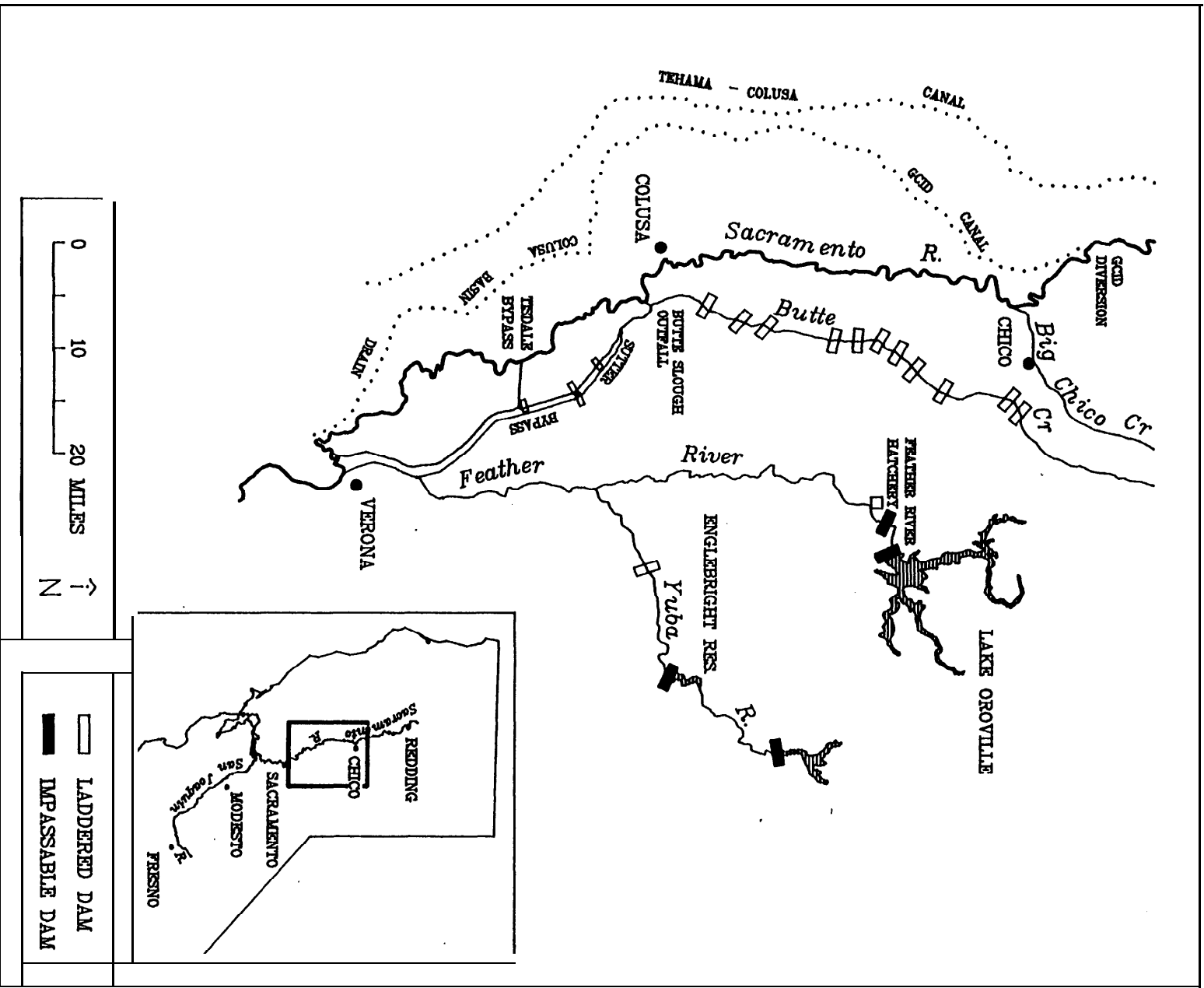


Figure 17. Sacramento River and principal tributaries from Chico to Verona.

Identified actions (USRFRHAC 1989) needed to restore steelhead and salmon in Butte Creek include:

- Assure an adequate water supply for the lower reaches. There are several interconnections between Butte Creek and other systems, such as Thermalito Afterbay via Western Canal. Butte Creek flows could be augmented from these sources during critical low flow periods. Another option would be to establish flow needs for the stream and seek relief through the SWRCB process. Adjudication of the entire system by the SWRCB should be undertaken and Watermaster Service should be provided to assure coordinated operations and sufficient instream flows. A third option would be to purchase surplus water and acquire additional water rights.
- Modify or construct adequate fishways and provide adequate screens for diversions.
- Correct water temperature and agricultural drain problems.
- Implement habitat restoration work in lower Butte Creek, such as sediment control and revegetation of streambanks.

In addition to the above, the Butte Creek and Centerville head dams should be modified to allow passage so that steelhead can access Butte Creek Canyon and the headwaters.

Recommendation

- ▶ The above measures to restore Butte Creek anadromous fish populations should be implemented as soon as possible.

YUBA RIVER

The Yuba River supports a self-sustaining population of steelhead and is essentially the only wild steelhead fishery remaining in the Central Valley (Fig. 17). This river was annually stocked with 27,270 to 217,378 yearling steelhead from Coleman National Fish Hatchery between 1970 to 1979 (CDFG 1991a). It is unknown whether the present stock is of native origin or is derived from the planting of Coleman fish. It is currently managed as a self-sustaining population.

Low flows and elevated water temperatures resulting from water diversions have affected the anadromous populations of the lower Yuba River. DFG has recommended temperatures and flows needed to maintain and restore the anadromous fisheries (CDFG 1991a) and has presented these recommendations to the SWRCB. The SWRCB has not yet made a decision.

In addition to the flow and temperature recommendations, the *Yuba River Fisheries Management Plan* (CDFG 1991a) identifies other needed actions to restore the anadromous fisheries:

- Providing adequate fish screens for all diversions.
- Gravel mining operations should be monitored and regulated to insure that no impacts to the river channel or fish populations occur.
- Establishing protections for riparian vegetation.

Recommendations

- ▶ DFG should continue to seek adequate flows and temperatures and the implementation of the above restoration measures for the Yuba River.
- ▶ DFG will continue to manage the Yuba River as a wild steelhead fishery. Hatchery steelhead should not be planted in this river.
- ▶ Reduction of the daily bag limit from the current two steelhead per day to one, until population status and angler harvest can be assessed, should be considered.
The current status of this population is unknown. Without this knowledge, the angler harvest impacts on the wild population or the need for special regulations cannot be assessed.

AMERICAN RIVER

The steelhead population in the American River is almost entirely supported by Nimbus Hatchery (Fig. 18). At one time, the American River supported one of the best urban steelhead fisheries in the State. The run has declined significantly over the past decade, however. Possible causes of the decline include: adverse temperature and other habitat conditions, rapid flow fluctuations and inadequate releases from Folsom Dam, increased CVP and SWP water exports, and the recent drought (McEwan and Nelson 1991).

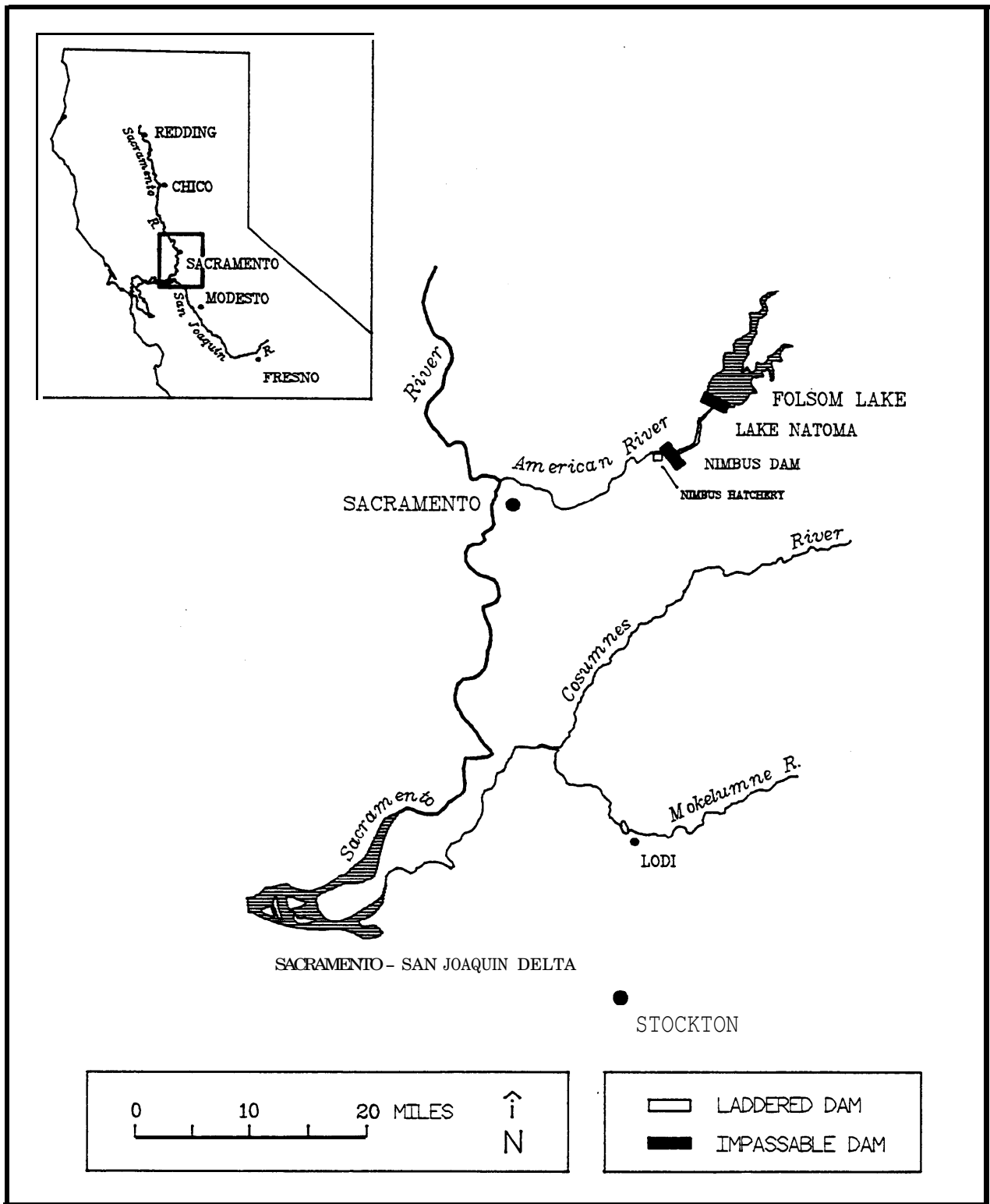


Figure 18. Lower Sacramento River and principal tributaries.

Goals for steelhead management for the lower American River are outlined in the *Steelhead Restoration Plan for the American River* (McEwan and Nelson 1991). Identified measures to restore the steelhead run include:

- Minimum flow standards have been established by judicial action for East Bay Municipal Utility District when they exercise their right to divert American River water. The State Water Resources Control Board should adopt these standards so that they apply to all users of American River water.
- Flows during the steelhead spawning and incubation season should be constant so that stranding of redds does not occur.
- Investigate the relationship between flow, temperature, and reservoir storage and establish a minimum storage level for Folsom Reservoir so that adequate temperatures during late summer and fall can be provided.
- USBR should correct the water temperature problem at Nimbus Hatchery. The hatchery experiences significant problems from high water temperatures almost every year. In the summer of 1992, all rearing steelhead were transported to other rearing facilities because of intolerably high water temperatures.
- Investigate the feasibility of restoring steelhead to the upper American River watershed by transporting adults and juveniles around Nimbus and Folsom dams.

Because Folsom Reservoir is relied upon extensively for irrigation and delta salinity control, it is usually drawn down to very low levels by late summer or early fall. This results in depletion of the cold water pool at the bottom of the reservoir, consequently warmer water that is harmful to salmonids is released into the river during summer and fall in most years. This situation is worsened because the water release structure, which releases water to the river via the powerhouse, does not allow maximum conservation of the cold water pool. The structure has several ports at variable water depths, but, because the lowermost seven ports are fused and do not operate individually, cold water from the bottom of the reservoir is released early in the irrigation season during periods when water temperatures in the river are not critical. As a result, the cold water pool is usually exhausted by late summer or early fall, when cold water releases are necessary to maintain suitable temperatures in the river for salmon and steelhead.

Modification of the water release structure to allow release from higher elevations in the reservoir during non-critical periods, thereby conserving the cold water pool, could result

in significantly lower river temperatures during the critical late summer and fall period. Hydrologic modeling predicts that October water temperatures at the release site could be as much as 9° F cooler if structural modifications are made that allow for more appropriate operation of the water release structure (Michael Bryan, Senior Scientist, Beak Consultants, pers. comm.).

Recommendations

- ▶ The water release structure of Folsom Dam should be modified to allow more efficient conservation and use of the cold water pool in Folsom Reservoir to provide habitat conditions that are more conducive to anadromous fish spawning and survival.
- ▶ DFG should continue to seek implementation of restoration measures identified in the *Steelhead Restoration Plan for the American River*.

MOKELUMNE RIVER

The Mokelumne River was once a significant producer of naturally spawned steelhead (Fig. 18). According to creel census data, steelhead were the most sought after fish in the lower Mokelumne River prior to the completion of Camanche Dam (CDFG 1959, as cited in CDFG 1991b). The steelhead run declined significantly following the completion of Camanche Dam in 1963 (CDFG 1991b).

Dam construction, diversions, mining activities, SWP and CVP operations, and impeded passage have caused the decline of the anadromous resources of this river. Flows in the river have been substantially reduced and temperature and water quality have deteriorated from conditions that occurred naturally (CDFG 1982; 1985; 1991b). The *Lower Mokelumne River Fisheries Management Plan* makes recommendations for instream flows and temperatures standards and other measures needed to maintain and restore steelhead (CDFG 1991b).

A portion of the steelhead reared at the Mokelumne River Fish Installation are planted as catchable trout (about 10 to 16 inches in length) in the lower river to sustain the recreational fishery. Stocking of these fish may be in conflict with the FGC's *Steelhead Rainbow Trout Policy*.

Recommendations

- ▶ Restoration measures identified in the *Lower Mokelumne River Fisheries Management Plan* should be implemented as soon as possible.
- ▶ The Mokelumne River should be managed for ocean-run steelhead. When greater flow releases to support anadromous fish populations are obtained, the present fisheries management strategy should be reevaluated.

SAN JOAQUIN RIVER

There is no access to the headwaters in any of the tributaries in the San Joaquin River system: all of the major tributaries have impassable dams in the lower reaches (Fig. 19). For this reason, natural production of steelhead will continue to be limited although it may improve slightly if adequate temperatures and flows currently being sought for chinook salmon are achieved.

It is likely that steelhead could be restored to major San Joaquin River tributaries if temperature and flow standards are established that would provide for juvenile rearing. This would entail operational changes, outlet modifications, and establishment of minimum pools for the major reservoirs so that cool water temperatures could be provided in late-summer and fall. For this effort to be successful, fishways would need to be installed on presently unlassered dams below the large reservoirs to allow access to tailwater habitat.

A salmon and steelhead hatchery has been proposed for the San Joaquin system. The current proposal is to site the hatchery on the Tuolumne River, with an annual production goal of 20,000 yearling steelhead (Bill Loudermilk, DFG Senior Fishery Biologist, pers. comm.).

Recommendations

- ▶ An investigation of reservoir and water operations should be done to determine if it is feasible to provide year-round habitat conditions for rearing steelhead below large reservoirs on the Stanislaus, Tuolumne, and Merced rivers.

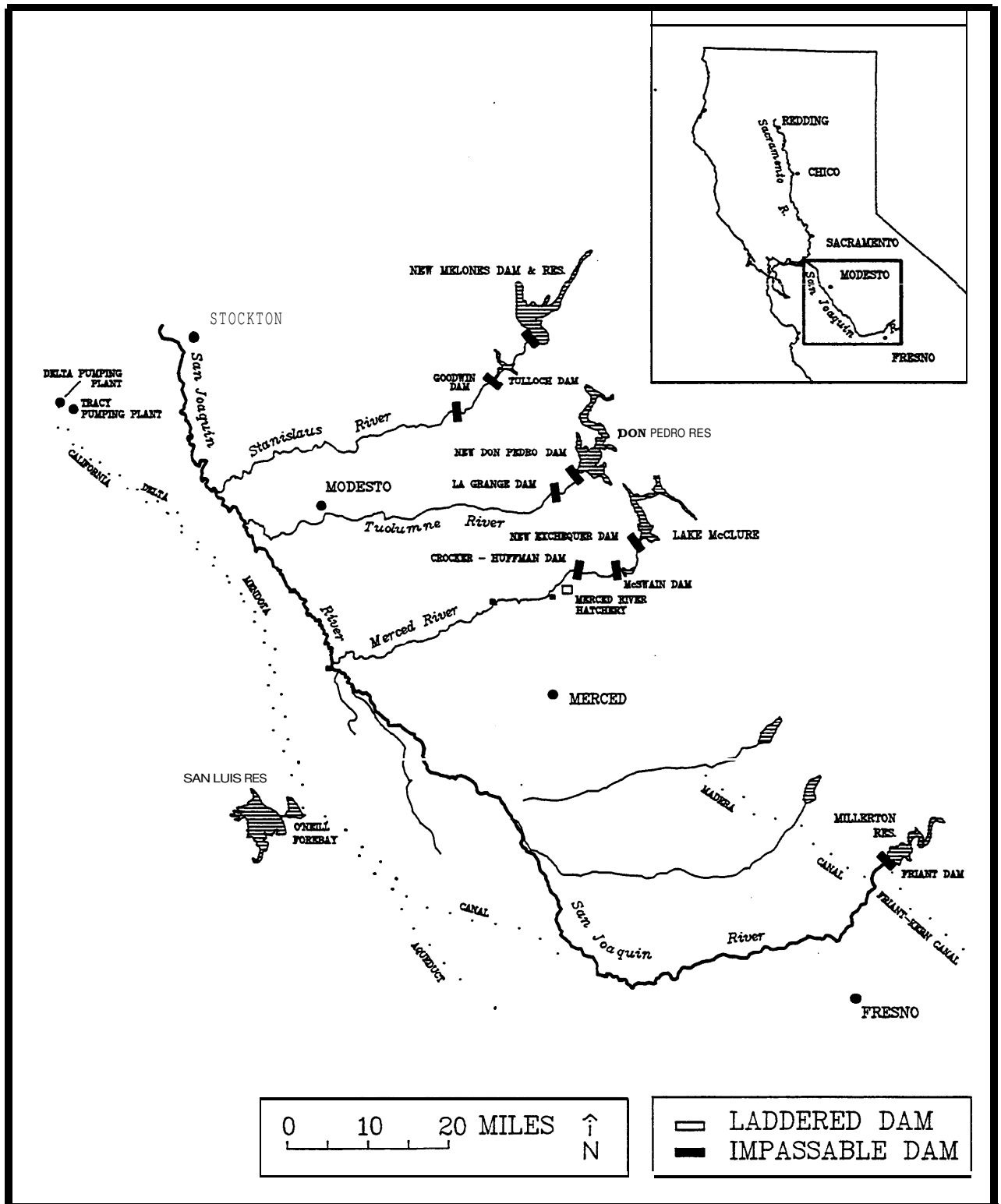


Figure 19. San Joaquin River and principal tributaries.

- ▶ A hatchery program should be implemented if restoration of a steelhead fishery is to be achieved for the San Joaquin River system. The San Joaquin River system may be a good location for the use of a small-scale, portable hatchery facility (see page 128). This type of facility could be used to restore steelhead in tributaries of the San Joaquin system other than the Tuolumne River. There is a need for hatchery and rearing facilities on the Stanislaus and Merced rivers (Bill Loudermilk, pers. comm.). This facility, operated in conjunction with the proposed Tuolumne River hatchery, could be used for egg taking, rearing, and/or imprinting.

South Coast

INTRODUCTION

As described in the "Status" section of this report, loss and degradation of habitat have brought about the extirpation of steelhead from many southern California rivers and severe declines in the populations of many others (Fig. 8). The unique life history, adaptation to a semi-arid climate, and geographic location at the periphery of the species' range, delineates southern steelhead from other California steelhead populations. For these reasons they may merit protection under the federal Endangered Species Act (ESA). Several conservation organizations have expressed an interest in seeking ESA protection for these populations, and the U.S. Fish and Wildlife Service has stated that the unique characteristics of this stock make it an appropriate candidate (Comstock 1992). A petition to list steelhead stocks in Idaho, Washington, Oregon, and California has been submitted and accepted by the National Marine Fisheries Service (NMFS) (see page 32). NMFS has undertaken a status review and is in the process of determining which stocks (including southern steelhead) merit protection under the ESA.

DFG and other agencies have taken actions in the past few years to begin restoring southern steelhead populations. These actions have concentrated mostly on the Carmel, Santa Ynez, Ventura, and Santa Clara rivers and Malibu Creek.

- Management focus will be on recovering these stocks from impending extinction and this will be the highest priority for DFG Steelhead Management.
- It is DFG's position that all streams that historically supported steelhead populations have the potential for restoration or reintroduction, and future land use planning decisions should not preclude that potential.

The objectives for management/recovery of southern steelhead populations are:

Halt declines and increase populations.

- Protect spawning and rearing areas, including estuaries.
- Remove and/or modify barriers to migration.
- Restore streamflows.

- Reintroduce fish into streams where the run has been extirpated, using the most genetically similar donor populations.
- Increase populations to levels that will support angler use.

Resource assessment.

- Identify specific problem sites
- Assess population status.

Of all of California's steelhead stocks, the southern stocks are the least known. This is mainly due to the scarcity and near-extirpation of these fish. Because there is no significant sport fishery for steelhead, there has been little impetus for research and assessment. However, because of the severe declines, there is a renewed interest among angling groups such as California Trout, Trout Unlimited, and the Isaac Walton League to restore steelhead to these streams. Environmental groups such as "Keep The Sespe Wild" Committee, Ventura Wilderness Sanctuary, Friends of the Ventura River, Urban Creeks Council, and the Friends of the Santa Clara River have also expressed interest in restoring southern steelhead. The U.S. Forest Service and the University of California at Santa Barbara have initiated research and assessment activities. The California Coastal Commission and California Department of Parks and Recreation have placed a high priority on recovery of steelhead populations within their regulatory jurisdictions.

A positive step taken by DFG to address this paucity of information was the establishment of a salmon and steelhead biologist position to assess and monitor populations in San Mateo, Santa Cruz, Monterey, and San Luis Obispo counties. However, for that portion of the range south of San Luis Obispo County, DFG does not have the personnel or resources to do an in-depth assessment of steelhead status. An assessment of current status for this critical area needs to be undertaken.

The University of California at Santa Barbara has expressed an interest in establishing a graduate study program for research on southern steelhead (Dr. Scott Cooper, U.C. Santa Barbara Professor, pers. comm.) patterned, possibly, after the Fish and Wildlife Service Cooperative Fishery Research Programs.

- Options for support and funding by DFG should be explored. Partial financial support could come from Steelhead Catch Report-Restoration Card revenues.

DFG presently has several proposals, in various stages of development, to provide passage over artificial barriers. Before these proposals can proceed further, an assessment of

habitat above the barriers should be undertaken. This will determine if providing passage is worthwhile or can strengthen arguments that passage is necessary for restoration. A California Conservation Corps habitat typing crew has assessed habitat above the Robles Diversion on the Ventura River. This effort should be extended to Gaviota, Rincon, Santa Paula, and Malibu creeks. These habitat assessments could be performed by a habitat crew from the north coast or by training a crew in southern California to do this work. Standards for determining the quality of the habitat would need to be determined for southern streams, however, because of the naturally sub-optimal habitat conditions that southern steelhead have adapted to. What is considered to be poor habitat in north coast streams may be good habitat in southern streams.

Steelhead in most of the streams in Santa Barbara, Ventura, and Los Angeles counties were, until recently, subject to the most liberal angling regulations anywhere in the State. Most of the streams were regulated by the Southern Sport Fishing District general regulations: open year-round, five-fish daily bag limit. These populations are at such low levels that any allowable harvest would be detrimental. Only the Ventura River and Malibu Creek had special regulations to protect steelhead.

Critically low population levels necessitated a change in angling regulations to prevent any possible harvest of these fish. In 1994, more restrictive angling regulations for the anadromous portions of the Santa Ynez, Ventura, and Santa Clara rivers and Gaviota Creek became effective. These regulations include:

- Open to fishing from Saturday preceding Memorial Day through December 31.
- Reduction in daily bag limit to 0 trout
- Terminal gear restricted to artificial lures with barbless hooks.

In 1995, the Fish and Game Commission adopted the above regulations for the anadromous reaches of all coastal streams in southern California. The new regulations become effective March, 1996.

A proposal has been advanced to pen-rear chinook salmon in salt water in the Santa Barbara area. There is currently a salt water pen rearing facility in operation near the Ventura Harbor which has reared chinook salmon in the past. Fish and Game Code 1206 prohibits the release of reared salmon south of Point Conception, mainly because of the difficulty in raising chinook salmon in warm ocean temperatures of southern California. Inadequate imprinting associated with salmonid culture could induce a high degree of

straying into local streams and estuaries. Impacts to steelhead populations could include competition for food resources in the estuaries and possibly for spawning sites in the local streams (Moyle 1991b), and transmission of diseases.

- To protect steelhead populations, DFG will continue to oppose proposals to pen-rear salmon south of Point Conception.

The following sections address restoration and recovery needs for specific streams, in terms of the above objectives. This is not meant to be a complete prescription of needed recovery measures, but is a brief description of identified problems and high priority actions that should be taken immediately. A more thorough restoration plan for southern steelhead needs to be done.

CARMEL RIVER

Water development, particularly illegal underflow pumping in the lower reach of the Carmel River by the California American Water Company (CAL-AM), has caused dewatering, a broadening of the channel, and loss of riparian habitat. As a result of over-appropriation of water and the effects of the recent drought, the Carmel River did not flow to the ocean for a four-year period from 1987 to 1991.

In 1992, the State Water Resources Control Board (SWRCB) heard complaints brought by several organizations that CAL-AM's pumping of underflow was in excess of their water right and was destroying public trust resources. The SWRCB also heard an application for a water right filed by the Monterey Peninsula Water Management District (District) to appropriate water for a new water supply project. In 1994, the SWRCB conducted additional hearings regarding complaint and the adequacy of the Final Environmental Impact Report/Statement (FEIR/EIS) for the new storage project. DFG provided testimony at the hearings on the status of the steelhead resource and analysis of the project.

In 1995, the SWRCB issued a proposed order regarding the complaints against CAL-AM's diversion of water in excess of their water right. DFG had no major objections to the proposed order, but the SWRCB made last-minute amendments to the proposed order before it was adopted as Order WR 95-10. These amendments "dramatically weakened the Order's provisions for ensuring sufficient instream flow to protect the steelhead resource" (Lungren et al. 1995). Specifically, the proposed order mandated that for every acre-foot of water

taken from new sources, such as the Seaside Aquifer, CAL-AM would be required to reduce the unlawful diversion from the Carmel River by an equivalent amount. The revised order, as adopted, exempted the new water taken from the Seaside Aquifer from the one-for-one reduction mandate, thus allowing new water from the Seaside Aquifer to be used for other purposes such as new development "while unlawful diversion from the river continues unchanged and the severe damage to public trust resources continues unalleviated" (Lungren et al. 1995). Another last-minute amendment to the proposed order changed required conservation measures, which would reduce the demand for Carmel River water, to goals for water conservation. Further, these goals could be reduced to the extent the District has committed to new developments.

Because these last-minute amendments were not supported by substantial evidence, DFG filed a petition to the SWRCB to reconsider Order WR 95-10. The SWRCB failed to act on the petition during the required time, hence the order remains as issued.

The District's preferred alternative for the new water supply project was to construct New Los Padres Dam, which would inundate the existing Los Padres Dam (the uppermost of two dams on the river) and Reservoir (Fig. 20). San Clemente Dam, the lowermost dam, is presently laddered. Los Padres Dam is not passable, but there is a trap-and-truck operation staffed and funded by CAL-AM. A new trap-and-truck operation and a smolt capture facility to facilitate adult and juvenile migration was proposed for the New Los Padres Dam. The District's mitigation for past and present inadequate flows has been primarily fish rescues. The District believed that the new reservoir would provide flows needed to maintain the steelhead population.

The District proposed that implementation of a mitigation fish hatchery should be considered as a last resort should the fish passage facilities fail. A mitigation hatchery would not be consistent with the *Steelhead Rainbow Trout Policy* of the Fish and Game Commission, which states: "Artificial propagation shall not be considered appropriate mitigation for loss of wild fish or their habitat." This is of particular concern because of the history of failure of trap-and-truck operations.

Other areas of concern regarding the proposed New Los Padres Project include:

- The District proposed that fish rescue be used as mitigation for the proposed project during periods of critically low reservoir storage. The District's use of fish rescues as existing mitigation has not been evaluated, hence it is not known if it has been effective. An evaluation of the effectiveness of the fish rescues was

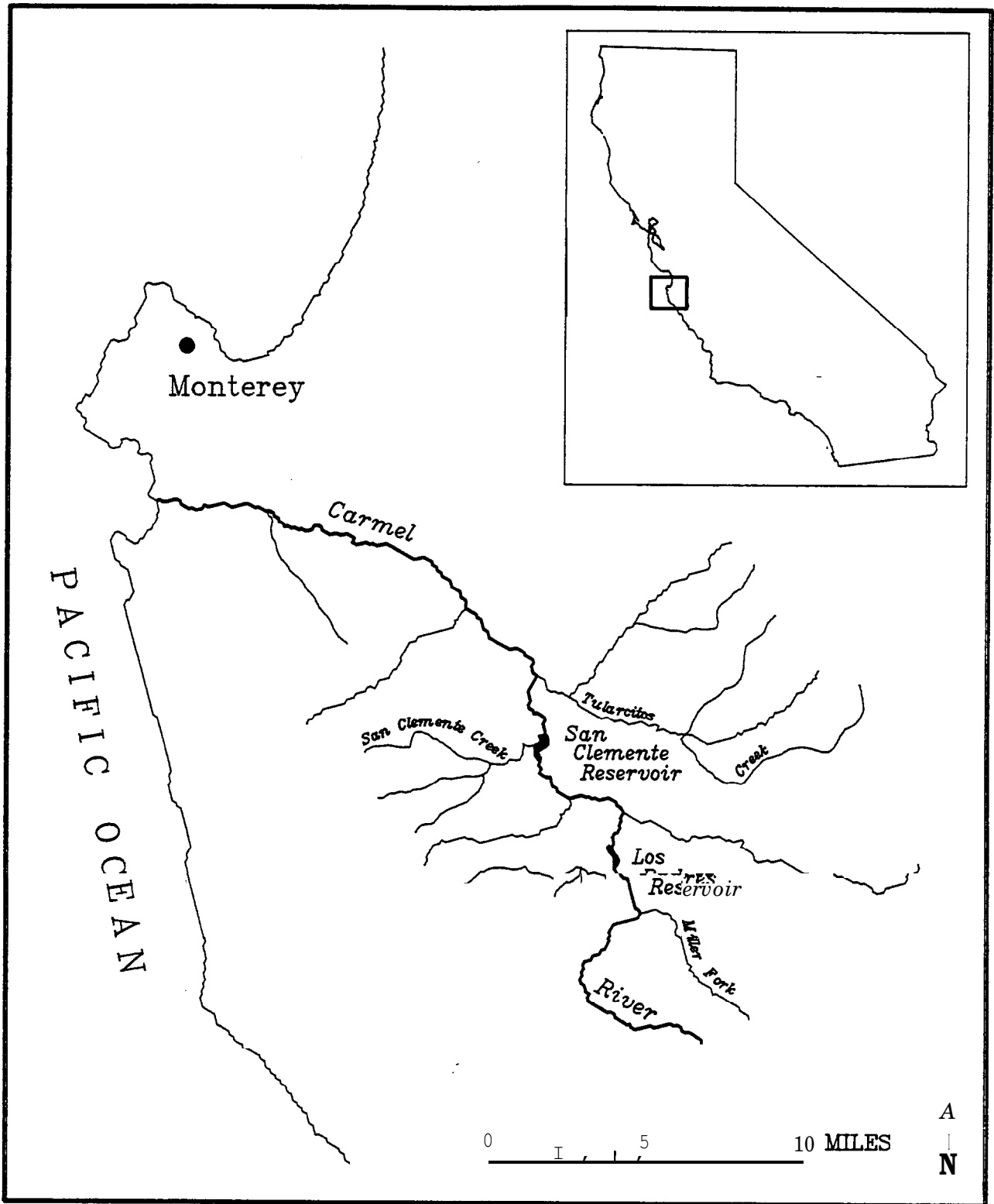


Figure 20. Carmel River and principal tributaries.

mandated by the current mitigation program for the Carmel River, but was never undertaken by the District.

- The proposed flow regime immediately below New Los Padres dam may not be sufficient.

DFG conditionally withdrew its objection to the New Los Padres Project. The principal condition for DFG's support was that the proposed operating rules, instream flow requirements, and mitigation measures for the new project, as defined in the FEIR/EIS, are adopted as conditions in permits issued by the U.S. Army Corps of Engineers (USACOE) and the SWRCB. This was necessary because there is no guarantee that mitigation measures certified in environmental impact reports/statements will be implemented. This is illustrated by the fact that the District has not fully implemented the current Carmel River Steelhead Mitigation Plan for the Water Allocation Program for CAL-AM production. This plan was adopted by the District to offset impacts from the current water supply program but its execution was affected by changing priorities, inadequate funding, and insufficient personnel (Anderson 1994).

In 1995, the SWRCB issued Decision 1632 which approved the water right application for the New Los Padres Project. All of the conditions in the FEIR/EIS were incorporated into the Decision and DFG did not object to it. However, the voters within the District's boundary rejected a ballot measure to provide funding for the project, effectively killing the District's proposal to build the dam. The project remains viable, however, if other project sponsors decide to propose it.

To sustain the Carmel River steelhead population during the recent drought, the Carmel River Steelhead Association, with support from DFG, maintained a captive Carmel River steelhead broodstock in salt water tanks for several years at the DFG Granite Canyon Facility. These fish were spawned at the Monterey Bay Salmon and Trout Project's Big Creek Hatchery. Approximately 17,000, 106,300, 54,500, and 15,300 juveniles were released in the Carmel River in 1991, 1992, 1993, and 1994, respectively.

This program was terminated in November, 1993 upon the end of the drought. Some of the broodstock were artificially spawned and all were released in March, 1994. This program has been of great benefit because it has maintained the population through periods of severe habitat degradation that could have caused its extirpation. However, continued operation of the captive broodstock program was unnecessary and could have led to severe inbreeding and loss of genetic variability that is associated with artificial production. As discussed previously, reproductive fitness characters are greatly affected by inbreeding, which can result in a large decrease in reproductive performance.

Recommendations

- ▶ The SWRCB and the USACOE should adopt the proposed operating rules, instream flow requirements, and fish and wildlife mitigation measures, as identified in the FEIR/EIS, as conditions of the permits for the New Los Padres project.

The District's failure to fully comply with the terms of their existing mitigation requirements, which are less comprehensive, complex, and expensive than the proposed mitigation, has demonstrated the need for making these requirements and mitigation measures conditions of the permits. This is necessary if full implementation of the proposed mitigation is to be achieved. Less than full implementation of the mitigation measures will probably result in the loss of the Carmel River steelhead as a self-sustaining population (Anderson 1994).

- ▶ The SWRCB should adopt the following additional requirements as permit conditions for the New Los Padres project:
 - * Completion of the project proponent's *Final Steelhead Fishery Mitigation Plan* to the satisfaction of the SWRCB, DFG, and the National Marine Fisheries Service prior to construction of the project. Acceptance of the Final Plan will be a condition for DFG approval of the Final Project Design and issuance of permits and approvals within DFG's jurisdiction.
 - * Evaluation of the District's current Fish Rescue operations as identified in the 1990 Water Allocation Program Mitigation Plan.
 - * Implementation of an additional instream flow study on the reach immediately downstream of the new dam. The SWRCB should retain jurisdiction to modify the Operating Rules and Instream Flow Requirements to provide more water for this reach if the results of the investigation warrant it.
- ▶ The SWRCB should require that the project proponent show that it has sufficient financial and other resources committed to implementation of proposed mitigation measures.

- ▶ The SWRCB should retain jurisdiction over the fish passage facilities, for the purpose of modifying the reservoir operation schedule to provide more water to improve steelhead habitat in the event that the fish passage facilities fail. Use of a hatchery to mitigate for project related impacts is not acceptable.
- ▶ The SWRCB should hold further hearings once substantial results from the mitigation monitoring program are available to ensure that Public Trust values are protected.
- ▶ The SWRCB should take appropriate action to ensure that instream flows required by the Operating Rules are dedicated to restore and protect fish, wildlife, and other Public Trust resources. These flows should be designated in perpetuity as water appropriated and reserved solely for instream uses.
- ▶ DFG should ask the SWRCB to declare the Carmel River "fully appropriated" year-round.
Decision 1632 found that no additional water is available for appropriation from May 1 to December 31 and directed its staff to include the Carmel River among those streams determined to be "fully appropriated". However, new water rights that allow diversion from January 1 to April 30 could impact aquatic habitat, especially during dry and critically-dry years.
- ▶ DFG should continue to seek greater interim flows.
Additional water supply projects may provide additional flows for steelhead and other public trust values, but they will not be fully operational for at least 10 years. DFG should continue to work with the SWRCB so that the best possible flows for public trust resources are provided until a new project is built and operational. DFG negotiates a Memorandum of Agreement on an annual basis with CAL-AM and the District regarding releases from San Clemente Reservoir for fish and wildlife. DFG should continue to seek greater flow provisions for instream uses.
- ▶ If New Los Padres Reservoir is built, DFG should staff and operate the upstream and downstream passage facilities, with costs reimbursed by the District.
There are examples of these types of projects that have failed or not achieved their full potential due to lack of financial and other support. DFG is best qualified to operate these facilities and, more importantly, the function of these

facilities is more congruous with the mission of DFG than it is with the mission of a water agency.

- ▶ The District should continue with their efforts to restore channel stability and riparian vegetation and implement other elements of the current Mitigation Plan.

SAN LUIS OBISPO COUNTY COASTAL STREAMS

The streams of the San Luis Obispo coast originate on the west slope of the Santa Lucia Mountains and flow in a southwesterly direction to the ocean (Fig. 21). They are typically small with variable flow patterns. The drier climate and variable hydrography of this region is more similar to southern California than it is to the forested areas immediately to the north, hence these streams exhibit characteristics more typical of the small streams systems in southern California. Similar to southern California streams, water development for agricultural and domestic uses has severely impacted a majority of the streams in this area. Reduced flows, together with increased sedimentation due to watershed disturbances from agriculture and urbanization, has severely reduced steelhead populations in most of these streams.

Status of steelhead populations in these streams range from healthy in a few relatively undisturbed streams in the north part of San Luis Obispo County, to severely depressed or extirpated in the Morro Bay/San Luis Obispo urban area. Essentially all of the streams in this region are affected by existing or proposed water developments and watershed activities.

Arroyo de la Cruz. This stream is one of the healthiest steelhead streams on the San Luis Obispo coast. It is a relatively pristine stream with abundant spawning and rearing habitat, but water diversion and underflow pumping has reduced stream flow and habitat quality (Jones and Stokes Associates 1993). Cattle grazing has also impacted the stream, primarily in the lower reaches (Nelson n.d.). There are currently two water right applications before the State Water Resources Control Board which would approximately double the amount that is presently diverted.

San Simeon Creek. The lower reach of this stream is subject to impacts from cattle grazing, gravel mining, and underflow pumping for agricultural and domestic use. These water extraction and land use activities have effectively eliminated spawning and rearing habitat in most of the mainstem of this stream.

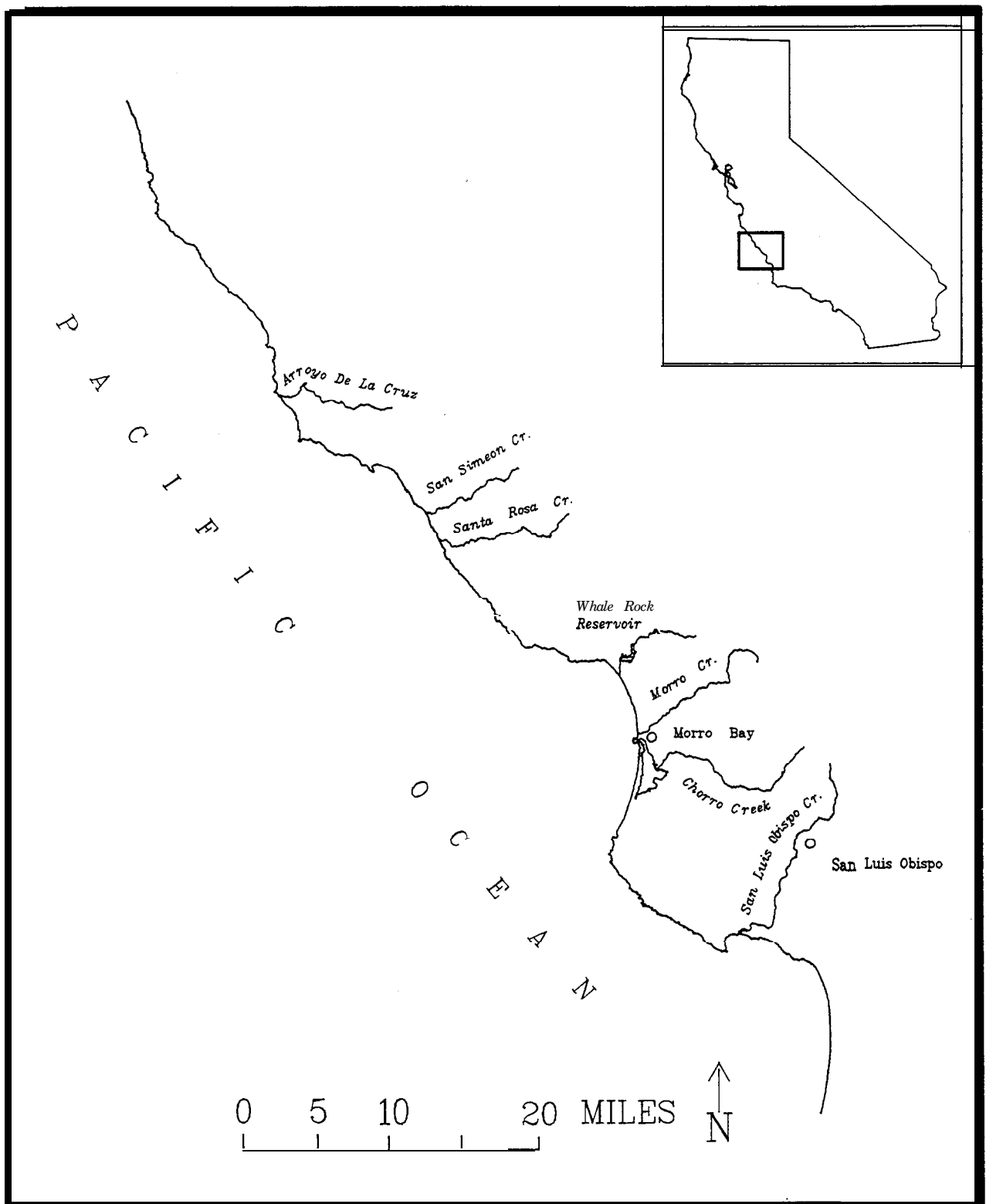


Figure 21. Coastal streams of San Luis Obispo County.

Santa Rosa Creek. Until the early 1980s, steelhead were abundant in the Santa Rosa Creek drainage. Steelhead, along with several other aquatic vertebrates, have declined substantially since this time, mainly due to the loss of instream habitat due to increased diversion and underflow pumping (Rathbun et al. 1991). Lack of sufficient flows has also impacted the lagoon, which at one time served as an important rearing area for juvenile steelhead. Few juvenile steelhead have been observed in the lagoon for several years (Rathbun et al. 1991; Jennifer Nelson, DFG Fishery Biologist, pers. comm.). Urbanization of lower stream channels and cattle grazing have also affected the stream (CDFG 1992d).

Chorro Creek. Chorro Creek is a large system relative to other San Luis Obispo County streams. The anadromous reach of this stream terminates at an impassable dam which impounds Chorro Reservoir. The middle reach contains the majority of spawning habitat, unfortunately most of this section becomes dewatered during the summer due to numerous agricultural diversions and the impoundment at Chorro Reservoir (Snider 1974). Effluent from a sewage treatment plant provides the majority of the summer habitat in the drainage.

In addition to the problems caused by water diversion and storage, thirteen significant migration impediments on the mainstem and tributaries were identified by DFG in the early 1970s (Snider 1974), most of which still exist (Nelson n.d.). These barriers prevent adult steelhead from utilizing the upper reaches where perennial flows occur.

Recommendations

- ▶ DFG should continue to seek necessary flows to restore steelhead populations in San Luis Obispo County streams that are degraded due to over appropriation of water.
DFG is involved with several interagency and community organizations to restore aquatic habitat and has filed protests with the SWRCB.
- ▶ DFG should continue to protest water right applications on healthy streams unless sufficient bypass flows are established that will maintain habitat conditions in the streams, tributaries, and lagoons.

SANTA YNEZ RIVER

Historically, the Santa Ynez River supported the largest steelhead run in southern California (Shapovalov 1945). Gibraltar Dam, completed in 1920, blocked access to much of the spawning habitat of the river system, including the upper mainstem and the Mono Creek system (Shapovalov 1945) (Fig. 22). The construction of the Cachuma Project (which

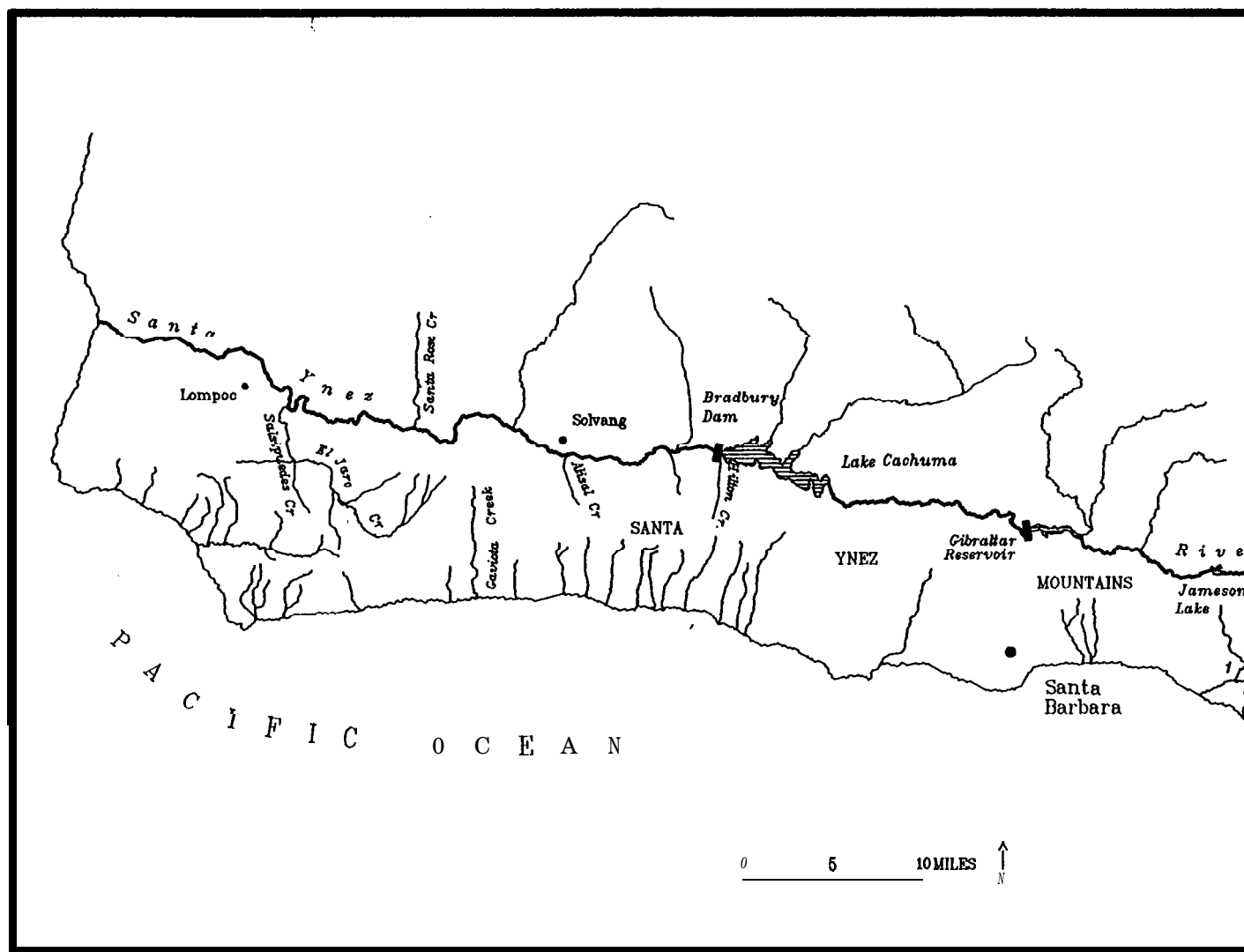


Figure 22. Santa Ynez River and coastal streams of Santa Barbara County.

includes Bradbury Dam) in the early 1950s eliminated access to nearly all historic spawning and rearing habitat. However, Shapovalov (1946) reported that excellent spawning habitat was present in the mainstem from Gibraltar Dam to the vicinity of Solvang, which is approximately 10 miles downstream of Bradbury Dam.

Bradbury Dam (Lake Cachuma) was authorized by Congress in 1948 as an emergency measure and was completed in 1953. After conducting pre-project fishery investigations, the U.S. Fish and Wildlife Service (USFWS) and DFG recommended that water be released from Bradbury Dam to provide migration, spawning, and nursery flows for steelhead. However, these releases for maintenance of the steelhead population were not authorized. Because of this, the steelhead run in the Santa Ynez River is nearly extirpated (CDFG 1975). Nehlsen et al. (1991) have categorized it as being at high risk of extinction.

Under conditions of the original water right permits issued to the U.S. Bureau of Reclamation (USBR) in 1958 for the Cachuma Project, USBR was to make releases that would maintain a "live stream" at prescribed downstream points to satisfy the needs of downstream water rights holders. In 1973, the SWRCB issued Order WR 73-37 which modified the original permits and allowed USBR to store all inflow to Lake Cachuma regardless of the persistence of the "live stream". This order was further modified in 1989 to provide greater releases to benefit downstream users and to extend the jurisdiction of the SWRCB to 1994. In 1994, the SWRCB issued Order WR 94-5 which reserved jurisdiction until 2000.

USBR is currently in the process of renewing its contract with the Santa Barbara County Water Agency to deliver water to the Cachuma Project Member Units for municipal, industrial, and agricultural purposes. Modification to project operations as a result of contract renewal may result in the need to revise USBR's water right permits, although the preferred alternative in the Final EIS/EIR for the contract renewal is to not change current project operations.

DFG has been a party to a Memorandum of Understanding (MOU) with USBR, USFWS, the Santa Barbara County Water Agency, the Member Units, and other interested groups to undertake cooperative fishery studies and to make recommendations for releases from Lake Cachuma to maintain fish and habitat. To provide water for this, a Fish Reserve Account consisting of up to 2,000 acre feet of water stored in Lake Cachuma has been established. Currently, the term of the MOU is for one year, after which it may be renegotiated or extended. The signatories to the MOU are proposing to extend the term to four years.

Above average rainfall in 1993 and 1994 created suitable migration flows and large rainbow trout/steelhead, were observed in the mainstem and tributaries. Several large rainbow trout/steelhead (16 to 18 inches) were captured and released in Hilton Creek in 1993 (CDFG 1993c). There were also anecdotal reports of anglers catching large rainbow trout in 1993. In 1994, a rainbow trout/steelhead estimated to be approximately 22 inches in length was captured in the mainstem (Trautwein 1994) and large rainbow trout were also observed in Hilton and Salsipuedes creeks (CDFG 1994a). Salsipuedes Creek tributaries and Hilton Creek still contain accessible spawning and rearing habitat. In 1995, several large rainbow trout that appeared to be steelhead were observed spawning in Hilton Creek. Several months later, swim-up fry were observed in the stream (Maurice Cardenas, DFG Fishery Biologist, pers. comm.).

There has been some question whether the rainbow trout observed in the lower Santa Ynez River are anadromous or have been introduced through catchable trout stocking in Lake Cachuma. There are examples of rainbow trout emigrating from reservoirs, establishing residence in downstream waters, and attempting to spawn in reservoir tailwaters and tributaries. However, rainbow trout used in catchable trout stocking programs typically have shorter life spans and do not grow as large as adult steelhead (Dennis P. Lee, DFG Senior Fishery Biologist, pers. comm.).

The Coastal Branch of the California Aqueduct (State Water Project) will bring approximately 45,000 acre feet of Central Valley water per year to Santa Barbara County. This project is currently under construction and is scheduled to be operational in 1996.

Portions of the river below Bradbury Dam suffer from habitat and channel degradation. Off-highway vehicles, pipeline construction, gravel mining, and riparian vegetation removal for flood control purposes has resulted in a broadening of the channel, subsurface flows, and loss of the riparian corridor.

- DFG will seek a permanent flow regime from Bradbury Dam to restore the steelhead resource to a reasonable level and maintain it in good condition. This includes providing adequate streamflows for adult and juvenile migration, and mainstem spawning and rearing habitat. USBR recontracting, SWRCB continued jurisdiction hearings, and additional water from the State Water Project may present good opportunities to rectify past actions which have resulted in the near extirpation of the Santa Ynez River steelhead and a diminishment of public trust resources. The question of whether rainbow trout present in the Santa Ynez River below Bradbury Dam are resident or anadromous is not pertinent to the need to mitigate for past water

development. DFG will negotiate mitigation on the basis that historic steelhead runs have been nearly eliminated by water development and actions to restore this public trust resource need to be implemented.

Recommendations

- ▶ The feasibility of providing adult and juvenile passage around Bradbury Dam should be investigated and implemented accordingly.
Nearly all historic spawning and rearing habitat is located upstream of Bradbury Dam, therefore blocked access is probably the most significant limiting factor for steelhead. Because of the height of Bradbury Dam, trap-and-truck and smolt capture facilities are probably the only feasible means to restore access.
- ▶ Short-term efforts to restore Santa Ynez River steelhead should focus on the following:
 - * Restore and enhance spawning and rearing habitat conditions in Hilton, Alisal, and Salsipuedes creeks and other tributaries of the Santa Ynez River below Bradbury Dam.
 - * Provide adequate interim releases from Lake Cachuma.
DFG should identify and seek flows needed for fisheries investigations and to maintain steelhead habitat until more permanent restoration measures are implemented. This will be done preferably through the MOU process.
 - * Investigate status and habitat needs.
 - * Investigate the feasibility of modifying the release schedule of water released from Bradbury Dam to downstream users so that it provides benefits to fish and wildlife.
Currently, the water is released on an as-needed basis as called for by the Santa Ynez River Water Conservation District, which provides relatively little benefit to aquatic species and habitat.

SANTA BARBARA COUNTY COASTAL STREAMS

The southern slope of the Santa Ynez Mountains, a transverse range that abuts the southern end of the Coast Range, contains the watersheds of most of the coastal streams of

Santa Barbara County (Fig. 22). These mountains have an east to west orientation and they receive a large amount of precipitation from orographic effects. Although small, the streams are densely spaced and dendritic so that total mileage of a given stream system is surprisingly long (Maurice Cardenas, DFG Fishery Biologist, pers. comm.).

Steelhead historically existed in most of the streams draining the southern slope of the Santa Ynez Mountains (Titus et al. in press) and rainbow trout populations still exist in many of the streams (Maurice Cardenas pers. comm.). Collectively, these populations may be important for maintaining genetic variability of southern steelhead because they may be adapted to the unique conditions of their local stream system. Also, these small, but once numerous populations may be important as source populations for recolonization of adjacent stream systems after natural events have extirpated the local population (see pages 58, 59).

Gaviota Creek. Gaviota Creek drains approximately 20 square miles of mostly undeveloped watershed (Fig. 22). Much of the lower reach of the stream is adjacent to U.S. Highway 101 and has been re-routed and confined in places. To protect the highway, a series of grade control structures have been constructed in the channel throughout this reach to prevent scour and degradation. The grade control structures are an impediment to adult steelhead passage at low flows. The stream also suffers from increased sedimentation from agricultural practices upstream.

The entrance road to Gaviota State Park passes over a fairweather road crossing immediately upstream from the estuary. At low flows, the entire stream passes underneath the road crossing through two culverts. Discharge from the culverts is several feet (depending on tidal fluctuation) above the water surface, hence the road crossing is a complete barrier to migrating adult steelhead at low flows.

There is currently a multi-agency effort underway to correct the passage problem at the road crossing. DFG, the California Department of Parks and Recreation (DPR), the California Coastal Commission, and the County of Santa Barbara are working on a proposal to replace the road crossing with a bridge. There is also a limited amount of money available through DPR to restore the mid-reach of the stream along the Highway 101 corridor.

Rincon Creek. The California Department of Transportation (Caltrans) has proposed to replace two bridges over Rincon Creek along Highway 150 (Fig. 22). To mitigate for the project, they have proposed to correct existing fish passage problems at the two bridges and at the U.S. Highway 101 culvert near the mouth of Rincon Creek. DFG initially recommended that a series of baffles be installed in the 850 foot long culvert to facilitate passage.

Caltrans had concerns regarding this recommendation because it would reduce the capacity of this culvert, which they believe is currently undersized. They have proposed that a second culvert be constructed, either to pass fish or to compensate for the loss of capacity due to the installation of baffles in the existing culvert. Caltrans is willing to commit \$200,000 for the project (the cost of the total project is estimated to be from \$400,000 to \$500,000) from District Highway funds and is exploring the possibility of a cooperative application to the Environmental Enhancement and Mitigation Fund for the balance.

Despite good instream habitat, an intact riparian zone, and adequate summer flows in the headwaters, rainbow trout and other native fishes no longer exist in Rincon Creek (Maurice Cardenas, DFG Fisheries Biologist, pers. comm.). Fish populations may have been extirpated by fires or other natural disasters and have not recolonized due to blockage by the U.S. Highway 101 culvert near the mouth (see page 59). The middle and upper reaches of Rincon Creek appear to be intact, contain adequate water, have good spawning and rearing habitat, and are not degraded by the severe sediment problem that exists in the lower reach (Maurice Cardenas, DFG Fishery Biologist, pers. comm.). Other problems in the watershed include blocked or impeded passage at several road crossings and a heavy sediment input from Casitas Creek due to erosion from avocado fields.

Recommendations

- ▶ The proposal to replace the road crossing at the Gaviota State Park entrance should be implemented.
This would restore access to the upper reaches of Gaviota Creek and would alleviate the most significant steelhead problem on this stream system.
- ▶ DFG should continue to stay involved with the effort to fix the problems associated with the Highway 101 corridor along Gaviota Creek.
Channel restoration and barrier modifications need to be implemented. Funding should be sought from the Cal Trans Environmental Enhancement and Mitigation Program.
- ▶ DFG, Caltrans, and other agencies should continue with their efforts to remedy the fish passage problem at the Highway 101 culvert on Rincon Creek. DFG will support the application to obtain a grant from the Environmental Enhancement and Mitigation Fund.

- ▶ An assessment of barriers and other problems should be undertaken for Gaviota and Rincon creeks, and measures should be implemented to correct problems.

VENTURA RIVER

The Ventura River at one time probably supported one of the largest runs of southern steelhead on the south coast. Restoring steelhead runs in this river will be crucial to restoring the southern steelhead stocks. The river still has adequate habitat to sustain steelhead populations, and like most southern California rivers, it has had good winter flows during 1992 and 1993. There have been several reports of adult steelhead observed in the river in 1993. Suitable steelhead habitat in this system exists in the main stem and Matilija, North Fork of Matilija, San Antonio, and Coyote creeks (Fig. 23).

The major obstacle to steelhead restoration in this system is blocked access to headwaters and excessive water diversion. The Robles Diversion, built by the U.S. Bureau of Reclamation (USBR) in 1958 and operated by the Casitas Municipal Water District (District), is the largest diversion on the river. It functions to divert water from the Ventura River to Casitas Reservoir located on Coyote Creek, a tributary to the Ventura River. The Diversion Dam is approximately 14 miles upstream from the ocean and is the only major barrier on the lower river. The District has a flow release requirement of 20 cfs for downstream users. The Diversion can cause substantial dewatering of a portion of the river and the Diversion Dam is a substantial barrier to migration.

When the Robles Diversion was being planned in 1956, DFG and the District discussed the installation of a fish passage facility at the diversion to accommodate steelhead migration. Initially, DFG had taken the position that a ladder was necessary, but later reversed its position, requiring only that a provision should be made in the initial construction of the diversion facility to accommodate the construction of a ladder in the future if it is found necessary (CDFG 1956). The District agreed (Ventura River Municipal Water District 1956a) and requested that USBR incorporate this provision in the final design of the Diversion Dam (Ventura River Municipal Water District 1956b).

Installation of a fish passage facility at the Robles Diversion Dam is key to rehabilitating steelhead runs in the Ventura River system. Providing fish passage would allow access to about 2 1/2 miles of spawning and rearing habitat on Matilija Creek (up to the base of Matilija Dam) and another 7 miles of habitat on the North Fork Ventura River (Mark Capelli, Program Analyst, California Coastal Commission, pers. comm.).

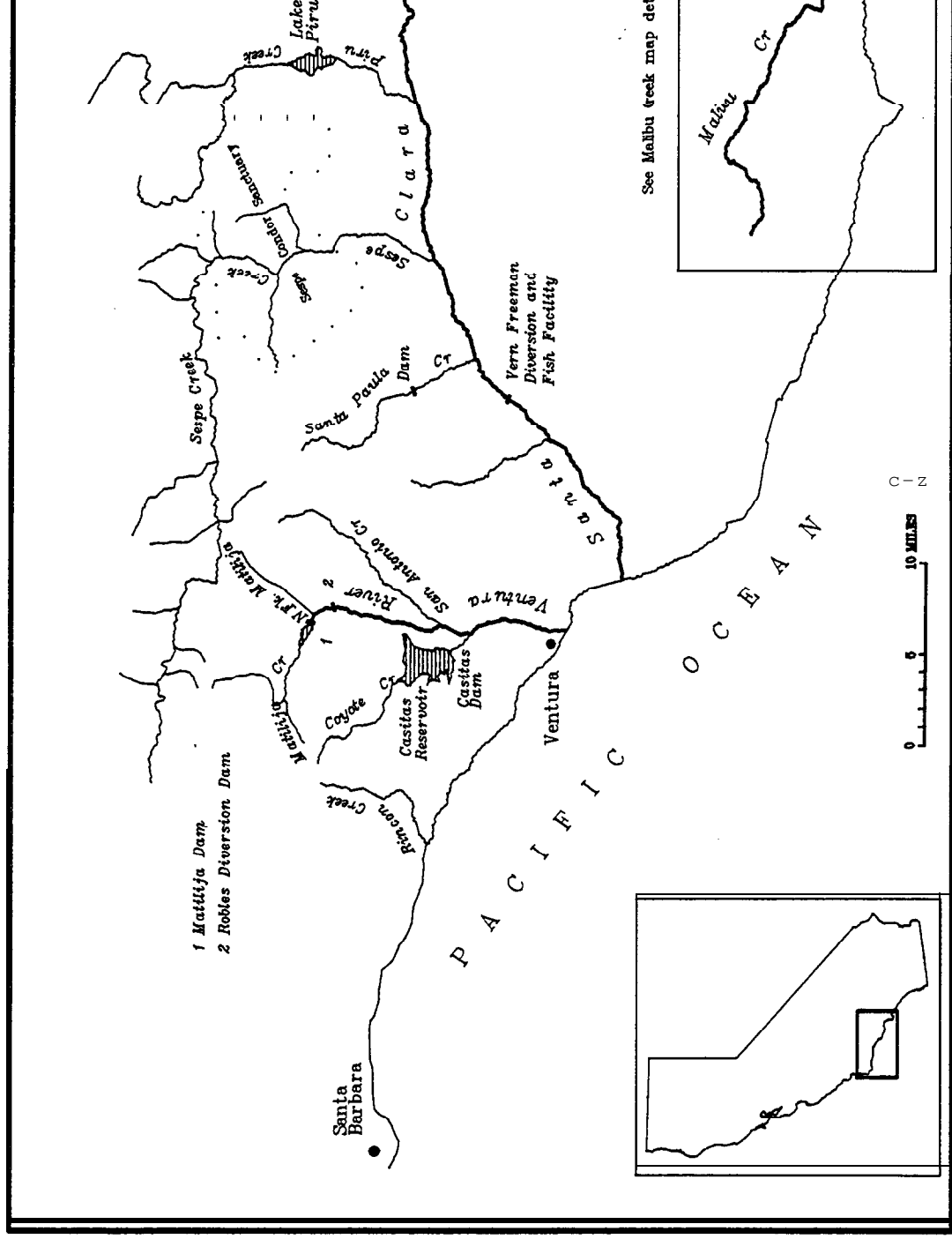


Figure 23. Ventura and Santa Clara rivers and principal tributaries.

In April of 1992, DFG submitted a proposal to the Wildlife Conservation Board to fund construction of a fishway for the Robles Diversion Dam. The proposal is still pending. Initial site investigations and negotiations with the District have taken place. The District has indicated that they are willing to explore this proposal, but are concerned that this project will lead to an infringement upon their water rights and that they will be responsible for maintenance of the fishway. Wildlife Conservation Board funding is contingent upon their approval.

Prior to the completion of Matilija Dam in 1948, steelhead had access to about 10 miles of spawning habitat in Matilija Creek and tributaries. About 50% of the steelhead entering the Ventura River spawned above the current site of Matilija Dam (Clanton and Jarvis 1946). A trap-and-truck facility was constructed several years after the dam was completed to transport adult steelhead upstream of the dam. The operation trapped a total of seven adult steelhead and lasted for only one year.

Large cracks in the concrete of the dam generated some concern about its integrity, consequently the dam has been notched several times to reduce the amount of water it can impound. Because of the reduction in effective height of the dam and accumulation of sediment in the reservoir, capacity has been reduced to about 1,000 acre-feet. The dam is essentially ineffective for flood control and has limited value as water supply storage (Wetlands Research Associates 1992). Removal of Matilija Dam has been discussed but there are no definite plans to undertake this task.

The City of San Buenaventura (Ventura) operates a surface diversion and several wells in the lower river. This has resulted in dewatering portions of the lower river during summer and fall.

Recent planning efforts for the Ventura River include:

- Development and implementation of a plan by the City of San Buenaventura to manage and restore the lower Ventura River and estuary.
- Initial discussions to develop a comprehensive watershed management plan that will include all uses and values of the Ventura River system.

Recommendations

- ▶ A fishway should be constructed at the Robles Diversion.
It is DFG's position that a fish passage facility is necessary to restore steelhead in the Ventura River. DFG should proceed with negotiations and investigations

regarding the fishway, pursuant to Fish and Game Code 5931 and the 1956 agreement between the District and DFG.

- ▶ DFG should initiate discussions regarding the removal or modification of Matilija Dam.
DFG should begin discussion with responsible agencies regarding the removal or modification of Matilija Dam to allow passage to headwater spawning and rearing areas. This would restore over 50% of the original spawning and rearing habitat in the Ventura River system. Matilija Creek headwaters lie entirely within the Los Padres National Forest and are still fairly pristine.
- ▶ DFG should negotiate improved bypass flows at the Robles Diversion.
The negligible bypass flow from the Robles Diversion often causes a complete dewatering of the middle reach of the Ventura River. DFG should negotiate with the District to provide winter and spring flows to facilitate migration of adults and juveniles.
- ▶ Spawning and rearing habitat quantity and quality should be assessed in Coyote and San Antonio creeks.
Both of these streams are degraded, but are reported to still contain suitable habitat. The feasibility of restoring flows and habitat in these streams needs to be addressed.
- ▶ DFG supports comprehensive watershed planning for the Ventura River watershed.

SANTA CLARA RIVER

In 1982, the State Water Resources Control Board (SWRCB) adopted Decision 1586 approving the appropriation of water from the Santa Clara River and its tributaries by United Water Conservation District (District) and the California Department of Water Resources (DWR). The application was protested by DFG on the basis that it would irreparably harm the steelhead trout resource of the Santa Clara River. In Decision 1586, the SWRCB required that a steelhead study be performed and reserved jurisdiction to adopt new permit conditions upon the completion of the study.

In Water Right Order 87-8, the SWRCB found that the required study demonstrated the continued existence of the steelhead resource in the river. The SWRCB incorporated into Water Right Order 87-8 a prior agreement between the District and DFG to construct and

operate a fish screen and fishway to prevent the entrainment of juveniles into the diversion canal and to facilitate migration of adults. The SWRCB also ordered a bypass requirement of 40 cfs for 48 hours after each storm event (when the flow in the river has subsided to 415 cfs) to facilitate migration. The Vern Freeman Diversion Facility, with associated fishway and screens, became operational and began diverting water in March 1991.

The SWRCB also stated in Water Right Order 87-8 that the bypass requirement and the requirement to operate the fish screen "shall lapse seven years following completion of the proposed project ... unless the California Department of Fish and Game presents the SWRCB with the results of a study or other competent evidence that the Santa Clara River supports a viable steelhead population."

Special Condition B of the District's U.S. Army Corps of Engineers (USCOE) 404 permit requires that the District "evaluate the mitigation features of the (diversion) to determine their effectiveness at accomplishing their designated purpose...for a period of 5 years after the project is completed". Early attempts to monitor the fish facilities were not successful, hence the five-year monitoring period did not begin until fall, 1993 (Entrix 1993). The District has installed electronic fish counters in the fishway and a juvenile trap at the fish screen. The major problems with the monitoring program have been identified and essentially resolved (CDFG 1994a).

The juvenile fish trapping results for 1993/94 indicate that a viable steelhead population still exists in the Santa Clara River. Eighty-three smolt steelhead were captured in the trap from March through early May, 1994. Because not all of the flow of the river was diverted and there were problems associated with the operation of the trap that could have allowed smolts to pass the screens undetected (CDFG 1994a), the total number of smolts outmigrating to the ocean was probably much higher. One adult rainbow trout, approximately 19 inches in length, was captured in the fish ladder (CDFG 1994a).

With the construction of the fishway at the Vern Freeman Diversion, access to Sespe Creek should be restored. It is the largest tributary to the Santa Clara River and has excellent steelhead habitat. It is estimated that Sespe Creek has about 47 miles of spawning and rearing habitat, about 87% of what it had historically (Moore 1980b). Sespe Creek is well protected within the Los Padres National Forest and the Sespe Condor Sanctuary and is a federal Wild and Scenic River (Fig. 23).

There appears to be suitable steelhead habitat in the Santa Paula Creek headwaters. Although somewhat developed, Santa Paula Creek still contains about 10 miles of good spawning and rearing habitat (Comstock 1992). Access to these areas is currently blocked by a small (about 20 ft high) diversion dam. Remnants of a fish ladder on the west side of the

diversion indicate that it was laddered at one time. Quantity and quality of steelhead habitat needs to be assessed.

The State Coastal Conservancy, the U.S. Fish and Wildlife Service, and Los Angeles and Ventura counties are currently developing the *Santa Clara River Watershed Management and Enhancement Plan*. The purpose of this plan is to document existing resources and values; describe and analyze hydrologic, geomorphic, and water quality conditions and effects from human activity; identify significant problems and formulate alternatives to address the problems; and propose specific implementation measures to enhance the river environment on the mainstem and on one or more representative tributaries. A draft of the plan should be completed by summer or fall 1996.

An artificial propagation facility for Santa Clara River steelhead has been proposed for Fillmore Hatchery. The latest proposal was to construct a quarantine egg rearing facility to spawn fish taken from the fish ladder at the Vern Freeman Diversion. Eggs were to be reared to the eyed stage then planted in hatch boxes in tributaries of the Santa Clara River. The project was approved for drought relief funding in 1993 but was not constructed because of lack of personnel.

- DFG will continue to work cooperatively with United Water Conservation District to ensure that monitoring studies at the Vern Freeman Fish Facilities are accomplished satisfactorily and the facilities are working effectively.

Recommendations

- ▶ Instream flow studies should be undertaken on the mainstem Santa Clara River to determine necessary flows for steelhead.
- ▶ A fishway should be constructed on the diversion dam on Santa Paula Creek to ensure that there is access to headwaters. Habitat quality and quantity of the stream above the diversion dam needs to be assessed.
- ▶ The need for an artificial propagation facility at Fillmore Hatchery should be investigated.
The need for such a facility should be examined carefully before it is implemented. It appears that lack of available habitat for spawning and rearing may not be the problem in the Santa Clara system, given that Sespe Creek is still fairly pristine and well protected. The major problem on the Santa Clara River

has been impeded access at the Vern Freeman Diversion and lack of adequate transportation flows to and from spawning and rearing areas. If these problems are corrected, the population may be able to rebuild itself, without the assistance of artificial propagation. If it becomes necessary to implement an artificial propagation program, then it will be operated in accordance with the guidelines on page 95.

MALIBU CREEK

The major obstacle to restoring the steelhead run on Malibu Creek is Rindge Dam, a concrete arch dam approximately 100 feet high, located about 2.5 miles upstream from the Pacific Ocean (Fig. 24). The dam, constructed in 1924-25, is obsolete: the reservoir has completely backfilled with sediment and the dam no longer impounds water. Providing fish passage at Rindge Dam would allow steelhead access to about five miles of additional habitat, and a three-fold increase in population size could be realized (Keegan 1990).

In 1989 it was proposed that a Borland Lift, a fish lock that moves fish over a barrier, be installed at Rindge Dam and funds were appropriated by the Wildlife Conservation Board. In 1992, DFG expressed concern about this project, mainly due to limited accessibility to the dam for construction and maintenance of the facility, and the high level of maintenance and mechanical complexity required to operate it. DFG proposed excavating the sediment behind the dam, removing the dam in stages, and restoring the channel to its original grade. Removal of the dam will be a costly endeavor and it is anticipated that the commercial value of the sediment or its suitability as beach sand will offset the cost of its removal.

An analysis of the sediment indicates that it does have commercial value and is suitable for sand replenishment of local beaches (Law/Crandall, Inc 1994). The U.S. Bureau of Reclamation is in the process of determining the feasibility and cost of several dam and sediment removal alternatives.

In addition to Rindge Dam, three other minor barriers have been identified, all located above the dam: a series of falls and cascades; the concrete apron of a streamflow gage; and a road crossing where culverts have caused a downcutting of the streambed. Providing access around these obstacles could increase total available spawning and rearing habitat by 590% and 180%, respectively (Franklin and Dobush 1989).

There is presently much activity centered around water quality issues in Malibu Creek and its estuary. The U.S. Soil Conservation Service is developing a Malibu Creek Watershed Natural Resource Plan which will address resource problems and concerns with

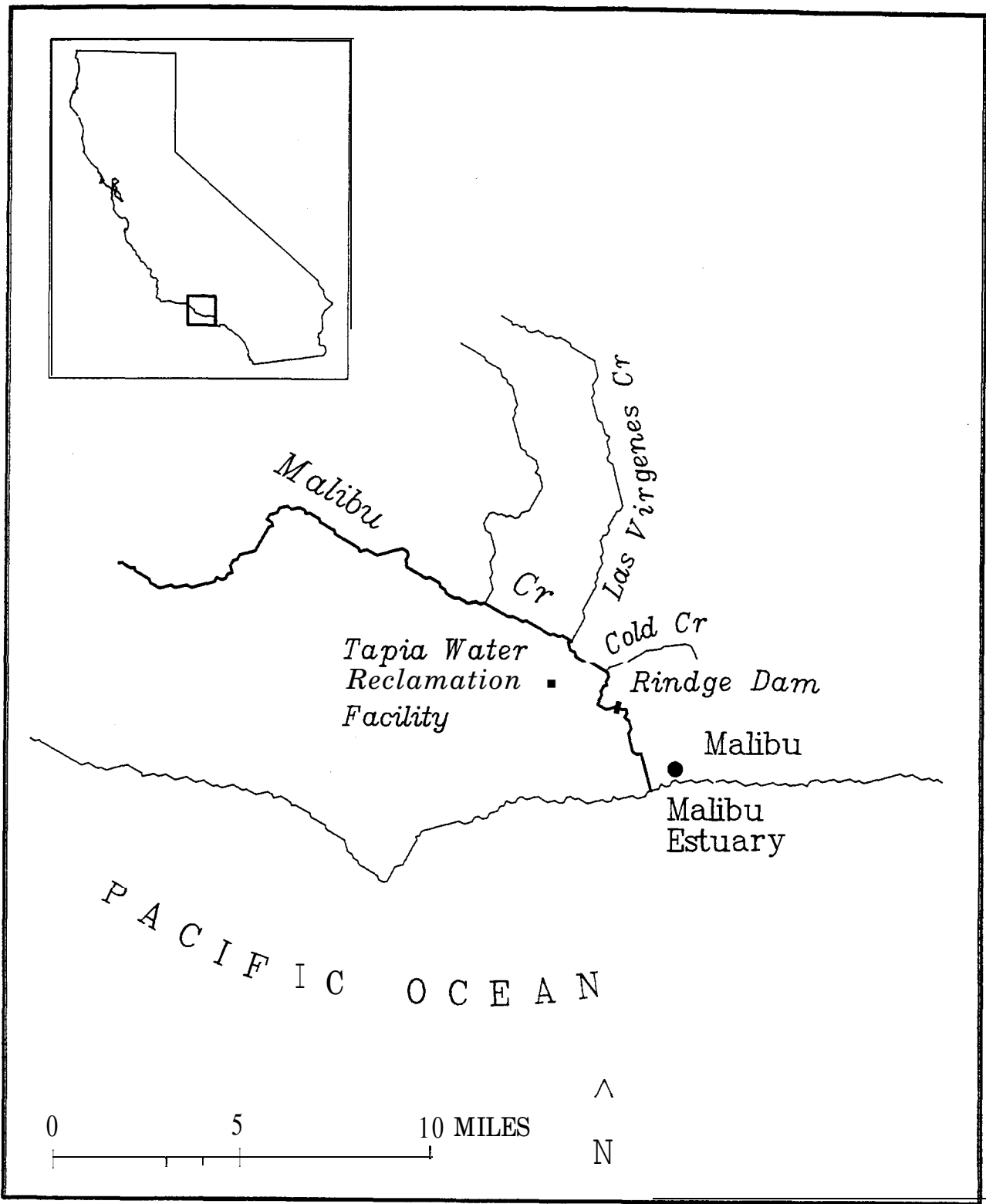


Figure 24. Malibu Creek and principal tributaries.

emphasis on water quality. This plan will be developed with assistance and input from a variety of organizations and agencies, including DFG.

Malibu Creek flows are augmented by reclaimed water and percolation pond discharges from the Tapia Water Reclamation Facility (Tapia), located about four miles upstream from the Pacific Ocean. Tapia discharges are low during the summer months but can be a significant portion of the total flow (Calif. Dept. of Parks and Rec. 1992; Law/Crandall, Inc 1994). Between 1930 and 1966 the flow in the stream during the summer months (May to October) ranged between 0.1 and 0.7 cfs. After Tapia began operation in the late 1960s, flows in the summer from 1984 to 1987 have increased, ranging from 0.5 to 26 cfs (Law/Crandall, Inc 1994). Historically, zero flow conditions occurred in the lower reaches of Malibu Creek, but none have occurred since Tapia began operation (Keegan 1990). Discharges during summer months are probably important for maintaining aquatic organisms and riparian vegetation, thus directly and indirectly benefiting steelhead (Calif. Dept. of Parks and Rec. 1992). The existence of steelhead in the lower reach of Malibu Creek is probably mostly attributable to this flow augmentation from Tapia.

Concerns regarding discharge from Tapia include: exacerbating problems associated with lagoon water levels; increased nutrient loading in the stream and lagoon; invasion of exotic aquatic plants; and reduction in invertebrate faunal diversity in the estuary due to increased freshwater inflows.

The operators of Tapia, The Las Virgenes Municipal Water District (LVMWD), sell the reclaimed water from the facility and are attempting to market an additional 1,300 acre feet of reclaimed water that is normally discharged into Malibu Creek. DFG and the U.S. Fish and Wildlife Service protested LVMWD's application to the State Water Resources Control Board (SWRCB) to appropriate this water, on the grounds that the diversion would degrade aquatic and riparian habitat and could threaten several significant and listed species. The LVMWD has since withdrawn their application and are seeking concurrence from the SWRCB that they already have the necessary water right to divert this water. An increase in the amount of reclaimed water marketed and exported out of the watershed could substantially alter the present flow regime.

Recommendations

- ▶ Investigations concerning the removal of Rindge Dam should continue.

- ▶ Available habitat should be assessed.
Although an assessment of steelhead habitat has been done (Franklin and Dobush 1989), DFG should undertake a thorough habitat typing and assessment of Malibu

Creek and tributaries to determine if conditions have changed over the past several years due to effects from recent fires and earthquakes in the watershed.

- ▶ Flows from the Tapia Water Reclamation Facility should be maintained. DFG will continue to protest the diversion of reclaimed water to ensure that current flows from Tapia are maintained. The concerns regarding ecological and other effects of the increased freshwater flows on the estuary may be valid, but if dewatering or a substantial increase in water temperatures occurs below Rindge Dam it is likely that steelhead will be eliminated from this system. DFG will continue to work with other agencies and concerned organizations to develop alternatives to flow reductions that will alleviate the problems associated with Tapia discharges until steelhead can access perennial waters upstream of Rindge Dam.

COASTAL STREAMS SOUTH OF LOS ANGELES

Although adult steelhead have not been observed in streams south of Malibu Creek for many years, there continue to be anecdotal reports of adult steelhead in San Mateo Creek and other southern California streams (Tom O'Riley, Southwest Council Federation of Flyfishers, pers. comm.). Native populations of coastal rainbow trout still exist in the headwaters of several of these streams.

Higgins (1991) assessed the recovery potential of San Mateo Creek and the Santa Margarita River in San Diego and Riverside counties (Fig. 25). He believes there is a potential for steelhead restoration in both streams. The San Luis Rey River also has the potential to be restored as a steelhead stream (Steve Netti, San Diego Fly Fisher, pers. comm.).

Recommendation

- ▶ An assessment of habitat and the potential for restoration of streams south of Los Angeles should be undertaken. Restoration of steelhead populations in the southernmost portion of their range should not be disregarded. Opportunities to reintroduce steelhead to this area need to be identified.

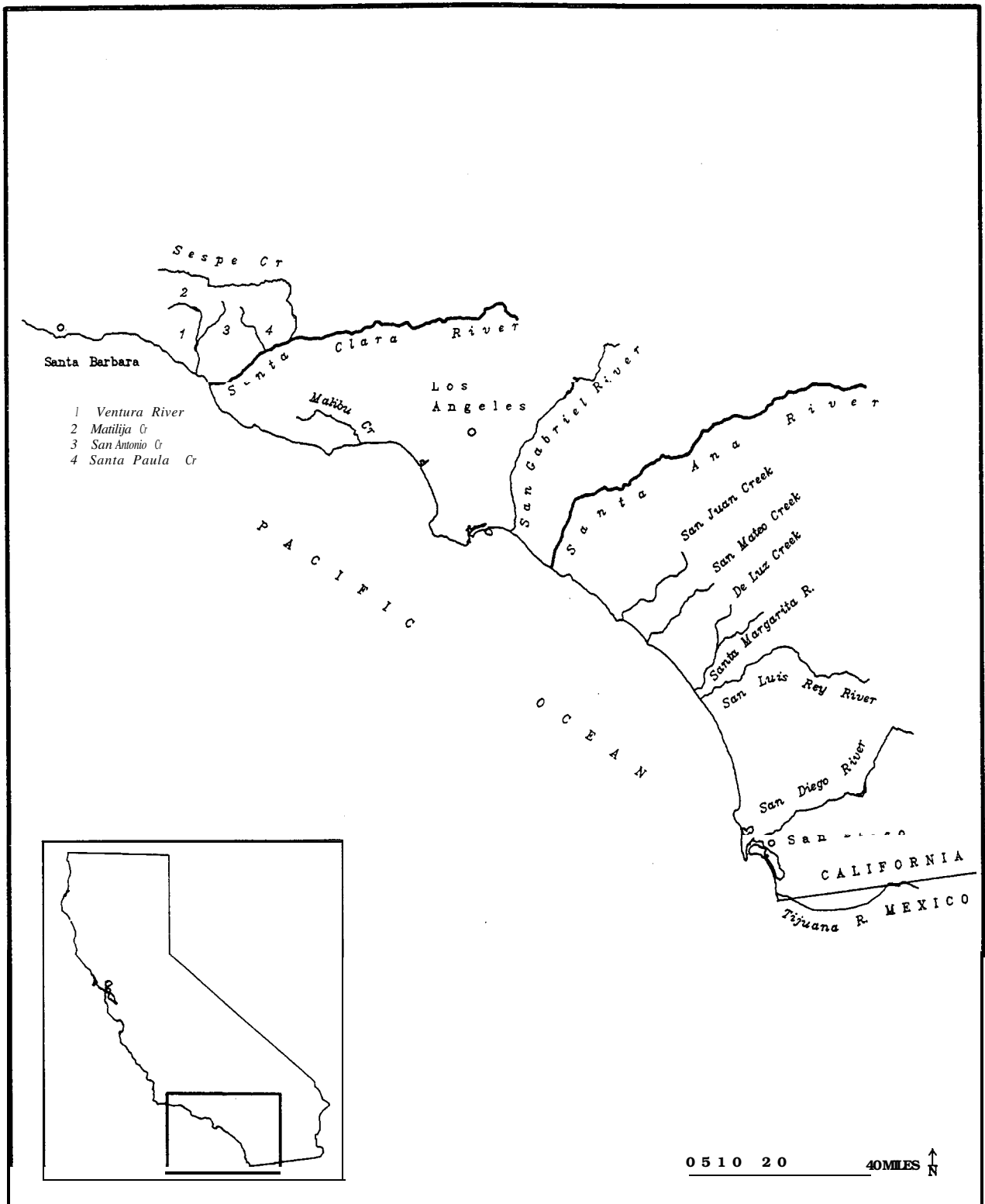


Figure 25. Southern California coastal streams.

CONCLUSION

Steelhead are an important and valued resource to California's citizens, for both angling and non-consumptive users. They are also an important component of the vast biodiversity of the State and are an integral part of many fluvial and estuarine ecosystems. Decline of steelhead populations is but one aspect of the present statewide decline in biodiversity, caused by California's burgeoning human population and the ever-increasing demand on natural resources.

Among the 50 states, California ranks second in numbers of freshwater fish species that are declining (Williams et al. 1989). If anadromous fish stocks are included, however, California clearly leads the nation in species loss and imperilment. Moyle and Williams (1990) showed that two-thirds of the native fish taxa in California is extinct or declining. In the California portion of the Colorado River, 100 per cent of the fish taxa is endangered, threatened, or extinct, and the fish fauna of the once species-rich Klamath and Sacramento-San Joaquin river systems has become severely endangered (Frissell 1993). Other areas which have a high proportion of imperiled species include the Los Angeles basin, the Pajaro-Salinas region, the Owens basin, and the Lahontan basin (Frissell 1993). Of the 214 Pacific salmonid stocks at risk in the contiguous United States, 39 occur in California. Of these, 20 were identified as being at high risk of extinction or possibly already extinct (Nehlsen et al. 1991).

The decline in fishery resources extends beyond the boundaries of the state: Williams et al. (1989) reported that 364 North American freshwater fish species and subspecies are endangered, threatened, or of special concern. This comprises about one-third of the North American freshwater fishes. During this century, fishery scientists have documented the extinction of another 27 species and 13 subspecies: 16 of these since 1964 (Miller et al. 1989). Williams and Miller (1990, as cited in Moyle and Yoshiyama 1994) calculated that 28% of the known freshwater fish species in North America are extinct or in serious trouble. Decline in North American aquatic species is not limited to fishes: amphibian populations have declined significantly, and the status of aquatic plants and invertebrates is presumably just as bad (Moyle and Yoshiyama 1994).

A common central theme in the literature describing freshwater fish declines in North America is habitat loss and degradation. Aquatic habitat loss and degradation have occurred at an alarming rate over the past several decades, and are continuing. An estimated 50% of freshwater and estuarine wetlands has been destroyed in North America, and destruction continues at a rate of 290,000 acres per year (American Fisheries Society 1994).

In California, degradation of aquatic habitat and ecosystems has become critical. The Sacramento-San Joaquin river system is a good example of a river system in peril: riparian forests in the Central Valley have been reduced to about 1% of pre-Gold Rush acreage (Abell 1989); only 6% of historic riparian habitat of the San Joaquin River in the 25 miles below Friant Dam remains (Furman 1988); over 150 miles of the Sacramento River have banks with riprap (California State Lands Commission 1993); and only 5% of the historic salmon and steelhead spawning habitat remains (Reynolds et al. 1993).

Most of California's 7,800 rivers are similarly afflicted, some not as bad as the Sacramento-San Joaquin, but many are in far worse condition. A report by the California State Lands Commission "clearly demonstrates the health of California's rivers to be stressed and their viability as sustainable ecosystems in peril" (California State Lands Commission 1993). The report further states: "It should no longer be disputed that there exists an urgent need for state agencies to undertake a comprehensive program of river basin and watershed protection and restoration".

The decline of California's steelhead populations and habitat, as described in this document, is illustrative of this trend of declining biodiversity due to habitat loss and degradation. Steelhead are unique in that they are dependent on essentially all habitats of a river system: the estuary for rearing and acclimation to salt water; the main channel for migration between the ocean and upstream spawning and rearing areas; and the tributaries for spawning and rearing. This dependence on the entire river system explains, in part, why steelhead were one of the first anadromous fish in California to experience dramatic declines in numbers and distribution.

For steelhead, habitat loss and degradation is mostly due to three factors: over-appropriation of stream flows, blocked access to historic spawning and rearing areas, and chronic watershed perturbations that discharge sediment and debris into watercourses. Other factors, such as harvest, high seas gill nets, and adverse ecological conditions in the marine environment may be contributing to the decline but there is little data to suggest that these causes are anything but minor. Land use activities, such as timber harvest and agriculture; and water development, particularly water diversion and dam construction, have eliminated and degraded most of the historic range of steelhead.

Anadromy in salmonids probably evolved to allow the utilization of the resources of two different environments: the ocean, because of its abundant food resources; and freshwater, as a haven from predators where reproduction has a greater chance of success. The large size of steelhead juveniles (compared to salmon) upon entry into the marine environment ensures greater success and survival in the ocean. To achieve this larger size, however, steelhead must rear for longer periods in freshwater. Historically, this

evolutionary adaptation has been very successful for steelhead, as evidenced by its widespread Pacific Rim distribution, but now is a factor in the recent decline: most freshwater systems in California are no longer accessible or safe havens for juveniles, due to land and water development impacts. This has affected steelhead more so than salmon because of their longer rearing requirement and their need to spawn at higher elevations in most drainages. The resiliency of rainbow trout and plasticity of behavior patterns have offset this disadvantage somewhat, but populations continue downward nevertheless.

Artificial production has shown some success at increasing steelhead numbers to improve angler success, but has not been successful at replacing fish and habitat lost to water development, or at maintaining genetic diversity. This could be detrimental in the long term, and the scientific literature is replete with papers which describe impacts to wild stocks from artificial supplementation programs. Artificial production cannot approximate nature and the evolutionary processes that have shaped salmonid behavior and life history. The scientific literature is largely conclusive that hatcheries, although necessary to maintain many anadromous fish runs, cannot achieve long-term survival of an anadromous fish species.

Restoration of steelhead populations is intimately tied to the establishment of a new ethic for management of California's rivers and streams - an ethic that places a much higher priority on the continuance of essential physical, biological, and ecological processes in rivers that are regulated or proposed for development. In simpler terms, rivers need to flow and contain sufficient water to maintain their aquatic biota in good condition. Without this, aquatic habitat will continue to degrade, species will continue to decline, and there will be continued impasses on water usage and development.

Large-scale water development of this century has only been achieved through major advancements in technology. There is a natural tendency to apply this same technological thinking to correct the unanticipated problems caused by water development and to believe that anything can be fixed if we apply enough innovation and technology. Meffe (1992) calls this approach "techno-arrogance" and he believes that the proposed high-tech solutions to the current decline in Pacific salmonid stocks are doomed to failure because this approach addresses the symptoms, but not the causes, of the decline. He cites, as a prime example, the failure of hatchery supplementation programs to fully mitigate for the effects of water projects. In California, examples of techno-arrogance include engineered minimum flow requirements, ill-conceived spawning gravel augmentation projects, captive breeding programs, trap-and-truck facilities, and "wild trout" hatcheries.

This is not to say that there isn't a place for technological solutions in anadromous fisheries restoration. Often, it is necessary to correct ongoing problems created by other technological "advances": the selective withdrawal device proposed for Shasta Dam, for

example, is essential to alleviate high water temperatures in the Sacramento River caused by water development.

Perhaps the real danger behind this philosophy is that it can divert attention and forestall real, long-term solutions. All too often, high tech, engineering solutions are proposed in lieu of the one solution that has the highest probability of success: allowing more water to flow down the stream. Unfortunately, because of the monetary value of water in this mostly semi-arid environment, this is often the most difficult solution to implement. However, providing adequate flows, along with rehabilitating watersheds and restoring access to headwaters, is essential to the successful restoration of California's steelhead populations.

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COMMENTS

Use It or Lose It: California Fish and Game Code Section 5937 and Instream Fishery Resources

This comment examines section 5937 of the California Fish and Game Code, which requires that dam owners release water to maintain downstream fisheries. After evaluating the statute's current use by the Department of Fish and Game, this comment suggests means of restoring section 5937 to its intended status as an effective instream fish-protection measure.

INTRODUCTION

California's resident¹ and anadromous² fisheries have suffered substantially from extensive development of the state's rivers and streams. That these resources generate significant social,³ environmental⁴ and economic⁵ benefits is implicit in the numer-

¹ Resident fish, for purposes of this comment, are those which spend their entire lives in a specific river or stream. Examples of resident fish include trout, bass and catfish.

² Anadromous fish are fish which migrate from the sea to freshwater rivers and streams to spawn. The young hatch, typically spend some time in the river, migrate out to sea to grow, and then return as adults to complete the cycle. Examples of anadromous fish include salmon, steelhead and shad. See, e.g., C. HICKMAN SR., C. HICKMAN JR., & F. HICKMAN, INTEGRATED PRINCIPLES OF ZOOLOGY 475 (5th ed. 1974).

³ Fisheries provide society with a self-perpetuating source of food. CAL. FISH & GAME CODE § 1600 (West Cum. Supp. 1980). Fish resources also provide recreation for millions of Californians. Over 2,385,000 people purchased sportfishing licenses in California in 1979. Telephone Interview, Licensing Section, Cal. Dep't of Fish & Game (Oct. 24, 1980). There is even evidence that the availability of sportfishing may reduce juvenile crime. GRUEN, GRUEN & ASSOCIATES, A SOCIO-ECONOMIC ANALYSIS OF CALIFORNIA'S SPORT AND COMMERCIAL FISHING INDUSTRIES 10 (1972).

⁴ Diverse fisheries generate important ecological benefits, as an ecosystem

ous legislative provisions designed to protect them.⁶ One such provision is section 5937 of the California Fish and Game Code.⁷

comprised of more diverse plants and animals is a more stable ecosystem. See, e.g., W. OPHULS, *ECOLOGY AND THE POLITICS OF SCARCITY* 27 (1977). Unfortunately, some of California's important anadromous fish resources have already been destroyed. For example, spring run salmon, once widespread throughout the Central Valley, have now disappeared from many of their ancestral homes. ANADROMOUS FISHERIES BRANCH, CAL. DEP'T OF FISH & GAME, CHINOOK (KING) SALMON SPAWNING STOCKS IN CALIFORNIA'S CENTRAL VALLEY, 1977, at 2 (D. Hoopaugh & A. Knutson, Jr. eds. 1979). See also note 18 *infra*.

⁶ In 1970, sportfishing contributed an estimated \$100 to \$200 million to the California economy in primary economic benefits. GRUEN, GRUEN & ASSOCIATES, *supra* note 3, at 2. Primary economic benefits are defined as "the additions to real income or satisfaction that accrue to consumers from the use of the resource." Sometimes termed "direct" benefits, these figures attempt to answer the question, "How much would or do consumers pay for the resource above the cost of bringing it to them in the form they enjoy?" *Id.* at 53. Via secondary economic benefits, sportfishing contributed an estimated \$300 to \$400 million during 1970. *Id.* at 2. Secondary economic benefits, sometimes labeled "indirect" contributions, are a measure of the "maximum loss that might be sustained by the local economy if, for some reason, a particular economic activity was to 'disappear' from the area." These include income and employment generated by gross consumer expenditures and the consequent effect upon the local tax revenue. *Id.* at 66-68.

In 1970, commercial fishing in California generated roughly \$45 million in primary economic benefits and \$200 to \$300 million in secondary economic benefits. *Id.*

⁶ See, e.g., CAL. PUB. RES. CODE § 21001(c) (West Cum. Supp. 1980) (state policy to ensure that fish and wildlife populations are self-perpetuating); CAL. FISH & GAME CODE § 1600 (West Cum. Supp. 1980) (protection and conservation of fish and wildlife resources is of utmost public interest); Assem. Con. Res. No. 64, Res. ch. 124, 1970 Cal. Stats. 3649 (salmon and steelhead resources of California are priceless and irreplaceable); CAL. WATER CODE § 11900 (West 1971) (state policy to provide for preservation of fish and wildlife in connection with state water projects); CAL. WATER CODE § 1243 (West Cum. Supp. 1980) (beneficial uses of water include those for fish and wildlife); CAL. WATER CODE § 1243.5 (West 1971) (in connection with appropriation of water, State Water Resources Control Board must consider amounts of water necessary for fish and wildlife when it is in the public interest to do so).

⁷ CAL. FISH & GAME CODE § 5937 (West 1958):

The owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in any river or stream, permission may be granted by the department to the owner of any dam to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that

Section 5937 was designed to protect instream fish resources by requiring the release of water from all dams in order to maintain instream flows. Although past use of this statute has been minimal, section 5937 has high potential for protecting these resources.

This comment examines section 5937 and proposes ways to implement that statute to achieve increased protection of instream fishery values. Part I discusses the legislative development of section 5937 and its predecessor statutes. Part II summarizes the impact of water development projects on fish resources and assesses the effectiveness of current government efforts to mitigate this impact. Part III examines section 5937's requirements and the California Department of Fish and Game's use of the statute. Part IV describes available mechanisms for both public and private enforcement of section 5937 and then concludes with a discussion of potential exemptions to the statute's mandates.

I. LEGISLATIVE DEVELOPMENT OF SECTION 5937

The California Legislature early recognized the threats to anadromous fish posed by dams and other obstructions in rivers and streams. In 1852, it enacted a statute designed to protect salmon runs by outlawing obstructions in any river or stream as public nuisances.⁸ In 1870, the legislature passed another law requiring, "as far as practicable," fishways⁹ over obstructions in the state's rivers and streams.¹⁰ In contrast to the earlier enactment, this act protected all fish¹¹ and contained no exceptions.¹²

may be planted or exist below the dam, when, in the judgment of the department, it is impracticable or detrimental to the owner to pass the water through the fishway.

⁸ An Act to prohibit erection of Weirs, or other obstructions to the run of Salmon, ch. 82, § 1, 1850-53 CAL. COMP. LAWS 325 (1852). Such obstructions included weirs, dams, fences, stop nets and sets. *Id.*

⁹ A "fishway" is a series of ascending pools which enable fish to travel around a dam or other obstruction.

¹⁰ An Act to provide for the restoration and preservation of fish in the waters of this State, ch. 457, § 3, 1870 Cal. Stats. 663-64.

¹¹ Unlike the 1852 law, this act was not limited to those dams which obstructed the migration of salmon. *Id.*

¹² The 1852 enactment exempted dams erected for mining, milling or agricultural purposes, and permitted Indian tribes to continue to fish according to their custom. An Act to prohibit erection of Weirs, or other obstructions to the

In 1915, the legislature amended this statute to require, for the first time, continuous water releases from dams for the purposes of keeping fish below the dam "in good condition."¹³ However, this requirement only applied to dams with fishways.¹⁴ The final and by far the most significant change occurred in 1937 with the enactment of what is now section 5937. While the 1915 amendment only required water releases from dams *with fishways*, the 1937 enactment greatly increased the scope of fishery protection by requiring water bypass from *all* dams.¹⁵

The history of section 5937 and its predecessors has thus been one of expanding fishery protection. Nonetheless, despite these efforts to protect the state's fisheries, dams and water projects pose a more serious threat to these resources today than ever before.

II. THE IMPACT OF WATER PROJECTS ON FISHERY RESOURCES AND THE GOVERNMENTAL RESPONSE

A. *Impact of Water Development Projects*

Water development projects designed to meet the needs of agricultural, domestic, industrial and other water users have left few of California's rivers and streams in a natural state.¹⁶ Such

run of Salmon, ch. 82, §§ 6-7, 1850-53 CAL. COMP. LAWS 325 (1852).

¹³ An act to amend section six hundred thirty-seven of the Penal Code, providing for the construction and maintenance of fishways over or around dams and artificial obstructions, ch. 491, § 1, 1915 Cal. Stats. 820. The amendment, Assem. Bill No. 1533, passed 53-1 on the Assembly floor. ASSEM. J. 41st Reg. Sess. 1179 (1915). The bill passed unanimously on the Senate floor. SEN. J., 41st Reg. Sess. 1754 (1915).

¹⁴ An act to amend section six hundred thirty-seven of the Penal Code providing for the construction and maintenance of fishways over or around dams and artificial obstructions, ch. 491, § 1, 1915 Cal. Stats. 820.

¹⁵ An Act to amend section 525 of the Fish and Game Code, relating to water flow through a dam, ch. 456, § 1, 1937 Cal. Stats. 1400. This amendment was revised in the Senate Committee on Fish and Game to make more explicit the mandate that water be released regardless of the presence of a fishway. Sen. Bill No. 800, 52d Reg. Sess. (1937). It passed unanimously in both houses. SEN. J., 52d Reg. Sess. 1809 (1937); ASSEM. J., 52d Reg. Sess. 3418 (1937).

¹⁶ II CAL. DEP'T OF FISH & GAME, CALIFORNIA FISH AND WILDLIFE PLAN 21-22 (1965) [hereinafter cited as CAL. PLAN]; CAL. DEP'T OF WATER RESOURCES, PRELIMINARY STUDY OF INSTREAM ENHANCEMENT OPPORTUNITIES 3 (1979) [hereinafter cited as PRELIMINARY STUDY]. These projects consist of water storage (dams and reservoirs) and transport (canals, aqueducts, pipes and ditches) facilities. Such development is so extensive in the Central Valley that a Department of

projects usually have substantial adverse impacts on a stream's fisheries.¹⁷ A dam may block migration routes of migratory fish so that they are unable to reach their spawning areas. Moreover, it may alter a stream's entire ecology and eventually eliminate certain species of fish.¹⁸ In addition, water projects and diversions reduce a river's capacity to dilute and flush pollutants, thereby increasing the pollutant load and impairing water quality.¹⁹

The net result of such modification of natural stream ecosystems has been to eliminate or reduce many valuable instream fisheries. For example, California's salmon spawning habitat in the Central Valley has decreased from an estimated 6,000 miles to less than 300 miles.²⁰ Indeed, the 1966 California Fish and Wildlife Plan estimated that by 1980, habitat for various species of anadromous fish would be reduced to between thirteen and thirty-three percent of that available in 1966.²¹ It also made similar predictions regarding the impact of water development on available warmwater²² and trout habitat.²³

Water Resources report characterized many of the streams there as "artificial hydrological systems." PRELIMINARY STUDY, *supra* this note, at 52.

¹⁷ For example, spring run salmon are listed as "extinct" in the Merced, Tuolumne, Stanislaus, Mokelumne, American and Yuba rivers. ANADROMOUS FISHERIES BRANCH, CAL. DEP'T OF FISH AND GAME, KING (CHINOOK) SALMON SPAWNING STOCKS IN CALIFORNIA'S CENTRAL VALLEY, 1970, at 11-17 (R. Menchen ed. 1971). *See also* text accompanying note 20 *infra*.

The Trinity River provides an apt example of specific adverse impacts. The Trinity River Project, which exports 90% of the river's annual runoff for out-of-stream uses, has caused declining populations of silver and king salmon and steelhead trout. Water remains turbid for increased periods, and altered water temperature regimes have affected anadromous fish nursery and holding areas. Reduced flood flows have decreased the river's capacity to carry silt, resulting in sediment-filled pools and compacted spawning gravels. Replenishment of downstream spawning gravels has been blocked. Recreational fishing has been reduced because of turbidity and riparian vegetation encroachment. Felix E. Smith, U.S. Fish & Wildlife Service, in II AMERICAN FISHERIES SOCIETY, PROCEEDINGS OF THE SYMPOSIUM AND SPECIALTY CONFERENCE ON INSTREAM FLOW NEEDS 98 (1976) [hereinafter cited as INSTREAM FLOW NEEDS CONFERENCE].

¹⁸ H. HYNES, THE ECOLOGY OF RUNNING WATERS 448-49 (2d ed. 1972).

¹⁹ PRELIMINARY STUDY, *supra* note 16, at 34.

²⁰ CITIZENS ADVISORY COMM. ON SALMON & STEELHEAD TROUT, AN ENVIRONMENTAL TRAGEDY 24 (1971). In addition, streamflows over the remaining areas are "frequently inadequate." PRELIMINARY STUDY, *supra* note 16, at 41-42.

²¹ IIC CAL. PLAN, *supra* note 16, at 766-67.

²² The plan projected that 120 miles of warmwater habitat would be lost above dams. IIC CAL. PLAN, *supra* note 16, at 767. Warmwater fish are those

While the gravity of these losses is partially offset by the benefits of water development,²⁴ fishery resources nevertheless constitute an important food source and generate enormous economic benefits.²⁵ Thus, in striking the difficult balance to allocate water between instream and out-of-stream uses, the high economic value of instream fishery resources should not be ignored.

Nor should the substantial recreational benefits of instream fisheries be ignored.²⁶ Even though construction of a dam may create additional fishing opportunities which replace some of those destroyed,²⁷ reservoir fishing lacks the diversity and quality of stream fishing.²⁸ Paradoxically, then, running waters are highest in demand, smallest in supply, yet threatened the most.²⁹

that live in water temperatures above 70 degrees Fahrenheit. Examples include largemouth bass, sunfish and crappie. Interview with Chuck Fisher, associate fisheries biologist, Environmental Services Branch, Cal. Dep't of Fish & Game, in Sacramento, California (Aug. 5, 1980).

²³ According to the plan, trout would lose 400 miles of habitat above dams. It predicted the loss of another 500 miles of stream habitat for trout and warmwater species, depending on the extent of downstream releases of water. IIC CAL. PLAN, *supra* note 16, at 767. Flow reduction was listed as a "major problem" for trout. *Id.* at 69.

²⁴ California is foremost among the states in agricultural productivity, in part due to the state's massive water diversion and conveyance systems. *See, e.g., THE CALIFORNIA WATER ATLAS* 58 (B. Press & R. Robie eds. 1978).

²⁵ *See* note 5 *supra*.

²⁶ *See* note 3 *supra*.

²⁷ *See, e.g., W. ROSENBAUM, THE POLITICS OF ENVIRONMENTAL CONCERN* 184-85 (2d ed. 1977).

For example, while the primary objective of the California State Water Project is to transport water from water-rich parts of the state to water-deficient areas, it also supported 16,744,900 "recreation days," *i.e.*, a visit by one person to a recreation area for any part of one day, between 1962 and 1974. CAL. DEP'T OF WATER RESOURCES, BULL. NO. 132-75, THE CALIFORNIA STATE WATER PROJECT SUMMARY: 1974, at 13 (1975).

²⁸ IIC CAL. PLAN, *supra* note 16, at 767. A reservoir is a relatively static recreational setting when compared with the challenging array of varied fish habitat in a river or stream. Thus, it is not surprising that sport anglers prefer running waters to reservoirs for recreational fishing. *Id.*

²⁹ *Id.*

B. Current Instream Protection Measures

The California courts,³⁰ legislature³¹ and responsible administrative agencies,³² as well as the federal government,³³ have all established measures designed to protect instream fishery values.³⁴ However, despite the diversity of these measures they have failed to meet their common objective.³⁵ As one recent study observed, even where instream flows are established and maintained, major problems may remain.³⁶

Recognizing the insufficiency of existing measures to protect

³⁰ See text accompanying notes 117-133 *infra*.

³¹ See, e.g., CAL. FISH & GAME CODE § 5937 (West 1958), set forth in note 7 *supra*; CAL. WATER CODE § 1243 (West Cum. Supp. 1980) (beneficial uses of water include those uses for fish and wildlife).

³² See, e.g., Cal. Admin. Code, tit. 23, § 762.5, Cal. Admin. Register 75, No. 17 (1975) (incorporates § 5937 into permits to divert water, absent a more specific fish-protection measure); note 115 *infra*. See also CAL. FISH & GAME COMM'N, POLICY BOOK 31 (adopted July 27, 1959, amended Feb. 2, 1968).

³³ See, e.g., Fish and Wildlife Coordination Act, 16 U.S.C. § 661 (1976); Federal Power Act, 16 U.S.C. § 791 (1976); note 127 *infra*.

³⁴ For a detailed discussion of the current arsenal of instream protection measures, see A. SCHNEIDER, GOVERNOR'S COMM'N TO REVIEW CALIFORNIA WATER RIGHTS LAW, LEGAL ASPECTS OF INSTREAM WATER USES IN CALIFORNIA (1978).

³⁵ The Final Report of the Governor's Commission to Review California Water Rights Law stated:

The law contains a long list of tools for the protection of instream values. Yet, the impairment and loss of instream values continue to grow. As one panel member asked rhetorically at the Commission's instream workshop, "If things are so good, why are they so bad?"

The reason is that, despite their numbers and variety, the existing means for protecting instream values are largely fragmentary and reactive. . . . Existing provisions may compel consideration of instream values in the decision-making process of various public entities, but they do not compel the substantive protection itself. Thus, one finds mostly statutes in which agencies only "must consider" or "must take into account" the public interest in the aesthetic, recreational, and fishery uses of the state's waters.

GOVERNOR'S COMM'N TO REVIEW CALIFORNIA WATER RIGHTS LAW, FINAL REP. 112 (1978) [hereinafter cited as FINAL REP.] (footnotes omitted).

³⁶ C. Hazel, Assessment of Effects of Altered Streamflow Characteristics on Fish and Wildlife, Part B: California 18 (1976), reviewed in FINAL REP., *supra* note 35, at 100. Of 20 streams studied, over half had prescribed and maintained instream flow standards. Yet the study classified 20 of the streams as "degraded" (some species of fish were eliminated and others were present but at severely reduced levels). The main reason cited for the "degraded" status was an inadequate instream flow during a critical time of the year. *Id.*

instream values, the Governor's Commission to Review California Water Rights Law recommended in 1978 that the Secretary for Resources be given authority to purchase water rights for instream purposes.³⁷ The legislature, however, took no action on this proposal.³⁸ Another Commission recommendation proposed that instream standards be quantitatively expressed and maintained on a stream-by-stream basis through investigations, studies and recommendations from both the private and public sectors.³⁹ The State Water Resources Control Board (SWRCB) responded by proposing regulations designed to protect instream beneficial uses.⁴⁰ However, an opinion prepared by the California Attorney General concluded that the proposed regulations were invalid under the Water Code,⁴¹ so the regulations were rescinded.⁴²

Other attempts to increase the level of instream fishery protection have proved equally fruitless. For example, California Trout, an organization dedicated to the protection of the state's trout and steelhead resources, applied to the SWRCB for an instream appropriation of water for the preservation and enhancement of fish and wildlife.⁴³ The SWRCB, however, refused to consider the application, and California Trout sued for declaratory relief and eventually lost on appeal.⁴⁴ A similar effort to appropriate water for fish and wildlife purposes by the California Department of Fish and Game (Department) also failed.⁴⁵ In ad-

³⁷ FINAL REP., *supra* note 35, at 117.

³⁸ Letter from James W. Burns, assistant secretary for resources, Resources Agency of California (July 17, 1980) (on file at U.C. Davis Law Review office).

³⁹ FINAL REP., *supra* note 35, at 113-14.

⁴⁰ Cal. St. Water Resources Control Bd., Subchapter 2.1. Beneficial Instream Flow Requirements (Dec. 20, 1979) (rescinded Nov. 20, 1980).

⁴¹ 63 Ops. Cal. Att'y Gen. 95 (1980).

⁴² Cal. St. Water Resources Control Bd., Resolution No. 80-86 (Nov. 20, 1980). The Board, however, has adopted new regulations. Cal. St. Water Resources Control Bd., Subchapter 4.5. Procedures for Protecting Instream Beneficial Uses (Nov. 20, 1980).

⁴³ Under the California water appropriation process, prospective water users must apply to the SWRCB. The SWRCB considers the application, and may issue a permit to the applicant for the right to appropriate water. See CAL. WATER CODE §§ 1250-1360 (West 1971).

⁴⁴ *California Trout v. State Water Resources Control Bd.*, 90 Cal. App. 3d 816, 153 Cal. Rptr. 672 (3d Dist. 1979).

⁴⁵ *Fullerton v. State Water Resources Control Bd.*, 90 Cal. App. 3d 590, 153 Cal. Rptr. 518 (1st Dist. 1979).

dition, the legislature failed to adopt a 1966 recommendation to permit appropriation of water for instream uses contained in the California Fish and Wildlife Plan.⁴⁶ Three other bills that would have allowed a state agency to "reserve" water for instream uses have also failed to gain legislative approval.⁴⁷ Finally, a recent proposal⁴⁸ to require the Department to select streams in need of instream protection and recommend instream flows to the SWRCB, which would balance the recommendation against future out-of-stream uses, was defeated in the Assembly.⁴⁹

Since efforts to establish new measures to protect instream water uses have been unsuccessful, section 5937 remains the premiere method to protect instream fishery values. Of particular significance is the fact that section 5937 is an *existing statute*. And because of its flexible "good condition" standard,⁵⁰ coupled with its mandatory application to all dams,⁵¹ section 5937 potentially applies to a wide range of rivers and streams.

III. APPLICATION OF SECTION 5937

A. Section 5937's Mandates

Section 5937's scope of application and essential mandate are unequivocally stated. It applies to the "owner of any dam,"⁵² and the word "dam" is elsewhere defined to include all artificial obstructions.⁵³ The statute states that water is to be released "at all times."⁵⁴ In addition, section 5937 protects "any fish" below a dam.⁵⁵ Furthermore, the statute requires that all dam owners "shall" release water,⁵⁶ and the Fish and Game Code defines

⁴⁶ See I CAL. PLAN, *supra* note 16, at 73.

⁴⁷ See legislation cited and discussed in A. SCHNEIDER, *supra* note 34, at 72.

⁴⁸ Assem. Bill No. 442, 1979-80 Reg. Sess. (as amended June 28, 1979).

⁴⁹ ASSEM. SEMIFINAL HIST., 1979-80 Reg. Sess. 225 (Jan. 30, 1980).

⁵⁰ See text accompanying notes 62-66 *infra*.

⁵¹ See notes 52-53 and accompanying text *infra*.

⁵² CAL. FISH & GAME CODE § 5937 (West 1958), set forth in note 7 *supra* (emphasis added).

⁵³ CAL. FISH & GAME CODE § 5900(a) (West Cum. Supp. 1980). Section 5937 does not apply to all water diversions in California rivers and streams. For example, pumps and gravity-fed conduits which do not involve the use of a dam would probably not be classified as "obstructions."

⁵⁴ CAL. FISH & GAME CODE § 5937 (West 1958), set forth in note 7 *supra*.

⁵⁵ *Id.*

⁵⁶ *Id.*

“shall” as mandatory.⁵⁷ Thus, whenever a dam owner fails to bypass water around a dam or merely bypasses an insufficient amount, section 5937 is violated and the Department should take action.⁵⁸

As to the method of water bypass, section 5937's requirements are less strict. The statute states that during minimum streamflows,⁵⁹ “permission may be granted by the department”⁶⁰ to dam owners to bypass water via the most practicable method,⁶¹ so long as the fish downstream are kept in good condition. The Department thus has discretion as to the *method* of bypass during certain periods of the year. However, this does not mean that the Department may ignore section 5937's clear mandate that sufficient water shall be released at all times.

As the agency responsible for enforcing section 5937,⁶² the Department has the authority to determine what constitutes “sufficient water”⁶³ to satisfy the statute's water bypass requirement. However, the statute supplies an objective standard which limits the Department's discretion in exercising that authority, namely, that “sufficient water” be released to keep “in good con-

⁵⁷ CAL. FISH & GAME CODE § 79 (West 1958). The code also provides that “[u]nless the provisions or the context otherwise requires, *these definitions . . . shall govern the construction of this code . . .*” CAL. FISH & GAME CODE § 2 (West Cum. Supp. 1980) (emphasis added). However, neither § 5937's “provisions” nor “context” suggest that resort to definitions outside the code is appropriate.

⁵⁸ Nevertheless, the Department has repeatedly refused to invoke the statute when specific violations are brought to its attention. For example, the Department has not enforced § 5937 despite complaints of dewatered streams and failure to comply with the statute concerning the West Branch and North Fork of the Feather River and certain of their tributaries. Interview with Bob Baiocchi, fish and wildlife consultant, in Paradise, California (Aug. 2, 1980).

⁵⁹ Such minimum flows typically occur during the dry months in late summer and autumn. See, e.g., THE CALIFORNIA WATER ATLAS, *supra* note 24, at 4-14.

⁶⁰ CAL. FISH & GAME CODE § 5937 (West 1958), set forth in note 7 *supra*. Such permission is granted only if it would be “impracticable or detrimental” for the dam owner to pass water through a fishway. *Id.*

⁶¹ During minimum streamflows, water levels in reservoirs are normally correspondingly low. Since fishways usually traverse the crest of a dam, they are inoperative during such periods, so it is much easier to release the water downstream through a valve at the base of the dam. This thus becomes the most practicable method for the dam owner to meet his statutory duty.

⁶² See note 85 *infra*.

⁶³ CAL. FISH & GAME CODE § 5937 (West 1958), set forth in note 7 *supra*.

dition any fish . . . below the dam”⁶⁴ The Department thus can resort to its specific knowledge of the environmental requirements of most of California’s stream-dwelling fish,⁶⁵ in conjunction with monitoring riverine conditions,⁶⁶ to determine whether dam owners are releasing “sufficient water” from upstream dams.

Of course, establishing specific stream-by-stream flow standards may present practical difficulties. Nevertheless, water users demand sound reasons for why they are forced to relinquish some water which they have been using or have requested to use. And while commentators are unanimous in recommending that responsible government organizations collect more precise data before setting instream flow standards,⁶⁷ it would be

⁶⁴ *Id.* (emphasis added). The phrase “good condition” should be construed to require releases of water necessary for fish spawning purposes, above and beyond mere “survival” or “maintenance” flows. Since 1915, § 5937’s and its predecessors’ “good condition” standard has encompassed fish that “may exist” below the dam. *Compare* An act to amend section six hundred thirty-seven of the Penal Code, providing for the construction and maintenance of fishways over or around dams and artificial obstructions, ch. 491, § 1, 1915 Cal. Stats. 820, with CAL. FISH & GAME CODE § 5937 (West 1958), set forth in note 7 *supra*. If § 5937 is to mean anything as a fish-protection measure, it must protect and maintain naturally propagating fisheries as well as stocked fish. This interpretation is also mandated by the code’s definition of the word “fish,” which includes “wild fish . . . spawn, or ova.” CAL. FISH & GAME CODE § 45 (West Cum. Supp. 1980). The “good condition” standard should also require releases of water to flush silt, if necessary, to keep the streambed gravel clear of sediment for spawning and food-production purposes.

⁶⁵ *See, e.g.*, CAL. DEP’T OF FISH & GAME, INLAND FISHERIES MANAGEMENT (A. Calhoun ed. 1966).

⁶⁶ *See, e.g.*, IV U.S. GEOLOGICAL SURVEY, WATER RESOURCES DATA FOR CALIFORNIA, NORTHERN CENTRAL VALLEY BASINS AND THE GREAT BASIN FROM THE HONEY LAKE BASIN TO THE OREGON STATE LINE, U.S.G.S. WATER DATA REPORT CA-78-4 (1979). Public-interest organizations may aid the Department in this regard. *See also* Letter from Charles Fullerton, director, Cal. Dep’t of Fish & Game, to Bob Baiocchi, former vice-president and conservation chairman, Northern Cal. Council of Fly Fishing Clubs (Nov. 29, 1979) (on file at U.C. Davis Law Review office). The director expressed his thanks to Mr. Baiocchi for keeping the Department informed of Pacific Gas & Electric Co.’s “lack of maintenance of certain minimum flows for fishlife” on the North Fork of the Feather River.

⁶⁷ *See, e.g.*, FINAL REP., *supra* note 35, at 106; PRELIMINARY STUDY, *supra* note 16, at 2; Felix Smith, U.S. Fish & Wildlife Service, in CAL. DEP’T OF WATER RESOURCES, CAL. DEP’T OF FISH & GAME & CAL. ST. WATER RESOURCES CONTROL BD., PROCEEDINGS—INSTREAM USE SEMINAR 26 (1978); Walter Burkhard, Colorado Division of Wildlife, in I INSTREAM FLOW NEEDS CONFERENCE,

impracticable for the Department to amass and effectively use such information on a stream-by-stream basis.⁶⁸

A feasible alternative to accumulating such data would be to utilize information presently available to the Department. For example, the Department could rely on methods such as those developed by the United States Fish and Wildlife Service, which predict the biological impact of a reduced streamflow according

supra note 17, at 389; IIC CAL. PLAN, *supra* note 16, at 766. See also Bob Hayden, U.S. Fish & Wildlife Service, in PROCEEDINGS—INSTREAM USE SEMINAR, *supra* this note, at 33, 37.

The Department generally assumes that it must support its instream flow recommendations with substantial data. Although it does not invariably conduct exhaustive studies, it generally collects at least some supporting data. Interview with Chuck Fisher, associate fisheries biologist, Environmental Services Branch, Cal. Dep't of Fish & Game, in Sacramento, California (July 7, 1980).

In one instance the Department refused to invoke § 5937 on the grounds that it possessed neither adequate data to sustain an instream recommendation, nor the resources to conduct such studies in the near future. The stream involved was a section of the North Fork of the Feather River, where current flows are 25 to 50 cubic feet per second (c.f.s.), while historical flows averaged 2,680 c.f.s.; the historical minimum flow recorded was 235 c.f.s. Letter from Bob Baiocchi, fish and wildlife consultant (Oct. 31, 1980) (on file at U.C. Davis Law Review office).

⁶⁸ It is the Department's position that no resource is of more concern to it than another: "[I]t's all valuable to fish and wildlife." Jack Beer, Cal. Dep't of Fish & Game, in PROCEEDINGS—INSTREAM USE SEMINAR, *supra* note 67, at 61. Consequently, the Department cannot allocate a disproportionate amount of funds to finance instream flow studies. The Department thus presently lacks the capacity to investigate thoroughly all rivers and streams in its jurisdiction and to propose accurate instream standards for each. Interview with Chuck Fisher, *supra* note 67. This is underscored by the fact that the plaint for more data was sounded by the Fish and Game Commission well over 65 years ago, yet the Department finds itself in the same position today. Compare 1912-14 FISH & GAME COMM'N REP. 109, reprinted in I APPEN. TO SEN. & ASSEM. J., 41st REG. SESS. (1915), with IIC CAL. PLAN, *supra* note 16, at 766. For a statutory finding of the Department's financial plight and an attempted legislative remedy, see CAL. FISH & GAME CODE § 710 (West Cum. Supp. 1980).

In sum, conducting detailed and exhaustive biological studies to resolve disputes over instream and out-of-stream uses is not feasible. But where water demands are critical or where fishery requirements and out-of-stream demands exceed the entire natural unimpaired flow of the stream, in-depth studies should be conducted before setting *permanent* instream flow standards. In the interim, however, and in those instances where the Department simply lacks the resources to study a stream, some type of interim protection must be established. For a suggested interim solution, see notes 69-71 and accompanying text *infra*.

to the percentage of the mean annual flow available to a specific stream.⁶⁹ This would obviate the need for the Department to conduct expensive and time-consuming studies on each stream section subject to section 5937. Concededly, dam owners could criticize such a method as overgeneralized when applied to specific streams. To meet such objections, the instream standard calculated by this "shorthand" method should be deemed presumptively valid.⁷⁰ Then, if dam owners claim that the stan-

⁶⁹ U.S. FISH & WILDLIFE SERVICE, *INSTREAM FLOW REGIMENS FOR FISH, WILDLIFE, RECREATION AND RELATED ENVIRONMENTAL RESOURCES* (1975). For example:

Ten percent of the average flow . . . : This is a *minimum* instantaneous flow recommended to sustain short-term survival habitat for most aquatic life forms.

.
Thirty percent of the average flow . . . : This is a base flow recommended to sustain *good* survival habitat for most aquatic species.

.
Sixty percent of the average flow . . . : This is a base flow recommended to provide *excellent to outstanding* habitat for most aquatic species during their primary periods of growth and for the majority of recreational uses.

Id. at 19-23 (emphasis in original). The author states that in addition to being quick and easy to use, this method is easily adaptable to the needs of different states. *Id.* at 13. The Department could thus modify this method to suit its own needs.

Fixing streamflows at a percentage of the average flow once was recommended by the Fish and Game Commission. For mountain streams, the Commission thought that 10% might be adequate. 1912-14 FISH & GAME COMM'N REP., *supra* note 68, at 32-33. The legislature, however, did not adopt this proposal. Instead, it has consistently opted to use the "sufficient water . . . to keep in good condition" provision. See text accompanying notes 13 & 64 *supra*. One can now only speculate as to why this language was preferred over the more specific standard sought by the Commission when the legislature first adopted the water bypass provision in 1915. Perhaps the "legislative intent" was that 10% was too much or too little, or alternatively, that a flexible approach was preferable.

⁷⁰ Deference to the Department's recommendations already occurs to a limited and undefined extent when the Department appears before the SWRCB in protest and negotiation procedures. The SWRCB recognizes the Department's authority as the guardian of fish and wildlife resources, as well as the Department's time, financial and personnel constraints. Consequently, in practice the SWRCB does not demand full-fledged studies every time the Department requests an instream flow. Interview with Lead Program Manager Lawrence Spencer, Program Manager Applications Section John Page, and Ray Dunham, manager, Instream Use Protection Project, Cal. St. Water Resources Control Bd., in Sacramento, California (July 10, 1980); Interview with Chuck Fisher,

dards are in excess of those needed to keep fish in "good condition," they could conduct streamflow studies at their own time and expense, pursuant to a Department-approved method.⁷¹ Given the undeniable fact that the Department lacks the resources to propose site-specific instream flow standards for every stream and river in its jurisdiction, a presumptively valid, generalized method such as the above is a necessity.

In short, section 5937 mandates that all dam owners release water from their dams at all times in order to maintain downstream fisheries. Moreover, given the legislature's repeated recognition of the importance of fishery resources,⁷² section 5937 must be actively enforced to ensure adequate fishery protection. Unfortunately, the agency responsible for securing compliance with section 5937 has failed to do so.

B. Department of Fish and Game's Use of Section 5937

The Department's use of section 5937 is unsettled because it lacks uniform policies and guidelines for enforcing the statute.⁷³

supra note 67.

⁷¹ Such methods should be carefully screened, since it is in the water user's self-interest to secure as low a flow as possible.

⁷² See note 6 *supra*.

⁷³ Compare Letter from author to E.C. Fullerton, director, Cal. Dep't of Fish & Game (June 20, 1980) with Letter from H.R. Mefford (for Ned Dollahite, Chief, Wildlife Protection Branch), Cal. Dep't of Fish & Game (June 27, 1980) (on file at U.C. Davis Law Review office). The Department was asked if it had an enforcement policy regarding § 5937. In reply, the Department merely stated that instream flows for fish and water projects could be compatible and that where there were inadequate flows, "remedial action" should be initiated. See also Letter from Harold C. Cribbs, executive secretary, Fish & Game Comm'n (July 10, 1980) (on file at U.C. Davis Law Review office), wherein Mr. Cribbs stated: "The [Fish and Game] Commission has not adopted any policy with respect to section 5937." This is despite the Commission's authority to formulate policies for the "general conduct" of the Department. CAL. FISH & GAME CODE § 703 (West 1958).

The Commission has, however, established a fairly specific "water policy," which states:

2. Quantity

... .
 b. To provide maximum protection and enhancement of fish and wildlife and their habitat, the Department shall:

... .
 (3) Oppose the issuance of permits or licenses, or the authorization or appropriation of funds for water use projects

Consequently, section 5937's enforcement varies with the particular administrative official dealing with the statute. For example, in one well documented instance, a retired game warden reported that he used section 5937 to obtain frequent water releases from a dam owner.⁷⁴ Yet the Department now refuses to apply section 5937 to the same dam owner with respect to the same dam on the same stream.⁷⁵ At the same time, the Department has not sought to clarify any doubts it has regarding section 5937's meaning by bringing a test case, despite requests that it do so.⁷⁶

Today the Department rarely if ever invokes section 5937 to punish a dam owner for noncompliance or to secure compliance through injunctive relief.⁷⁷ Instead, it employs section 5937 pri-

which have not prevented or adequately minimized damage to fish and wildlife resources.

(5) Monitor and maintain surveillance over existing water use projects to prevent avoidable damage to aquatic habitat and to insure compliance with fish and wildlife protection or enhancement requirements.

CAL. FISH & GAME COMM'N, POLICY BOOK 31 (adopted July 27, 1959, amended Feb. 2, 1968) (emphasis added).

⁷⁴ Letter from Gene Mercer, retired Cal. Dep't of Fish & Game game warden (June 30, 1980) (on file at U.C. Davis Law Review office). Mr. Mercer did have problems in securing compliance with some water diverters, though most voluntarily cooperated. For those few who refused after Mr. Mercer informed them of the law, a threat of criminal prosecution often secured compliance. *Id.*

⁷⁵ Letter from E.C. Fullerton, director, Cal. Dep't of Fish & Game, to Bob Baiocchi, vice president, Northern California Fly Fishers for Conservation (Jan. 4, 1979) (on file at U.C. Davis Law Review office). The director cited an informal memorandum from the Attorney General's office as justification. See Memorandum from Raymond H. Williamson, Office of the Att'y Gen., Cal. Dep't of Justice, to E.C. Fullerton, director, Cal. Dep't of Fish & Game (Jan. 2, 1979) (on file at U.C. Davis Law Review office) (dam owner possessed a vested water right antedating § 5937 and its predecessor statutes; benefits to fish below dam deemed too marginal); text accompanying notes 108-33 *infra*.

⁷⁶ See note 152 *infra*. However, a recent Attorney General's opinion analyzed § 5937 and urged that it be given a "literal interpretation" in light of existing policy. 57 Ops. Cal. Att'y Gen. 577, 582 (1974). The opinion also concluded that § 5937 "was and is . . . an enactment by the state in carrying out its trust responsibility to preserve fishery resources leaving the beneficial use to the people." *Id.* at 582-83.

⁷⁷ In one instance the Attorney General's office was prepared to institute criminal proceedings on behalf of the Department against a dam owner violating § 5937. The suit was never filed, however, because the dam owner agreed to release water upon learning of the impending action. Interview with Denis

marily as a negotiating tool when protesting water appropriation applications before the SWRCB.⁷⁸

Utilizing section 5937 solely in negotiations with water users, however, is not warranted. The statute is primarily mandatory, and the discretion granted to the Department is strictly limited.⁷⁹ Moreover, subjecting the statute to "bargaining sessions" with water users ultimately results in the erosion of its mandates. Responding to demands by water users that the Department support its instream flow standards with documented facts, the Department has often been compelled to conduct detailed studies to support its position. Yet even after conducting such studies, water users may challenge these results.⁸⁰ Instead of establishing an appropriate instream flow standard, the parties may end up arguing over the validity of the studies.⁸¹ Using

Smaage, Deputy Att'y Gen., Office of the Att'y Gen., Cal. Dep't of Justice, in Sacramento, California (Aug. 12, 1980).

It is impossible to determine if the Department has ever issued citations to dam owners for violations of § 5937, since the Department indexes citations by alphabetical order of those cited rather than by code section. Interview with H.R. Mefford, Wildlife Protection Branch, Cal. Dep't of Fish & Game, in Sacramento, California (July 7, 1980).

This is not to suggest that an absence of citations indicates that the Department totally ignores § 5937. For example, Mr. Gene Mercer, a game warden in the Department for over 34 years (now retired), frequently used § 5937 successfully. See note 74 *supra*. Although no definite Department policies or guidelines regarding § 5937 existed at that time, Mr. Mercer states that his superior officer authorized him to take a violator into court if necessary. Mr. Mercer further states, however, that he did not attempt to enforce § 5937 against all dam owners, but only where it would be "reasonable." Letter from Gene Mercer, *supra* note 74.

⁷⁸ Interview with Chuck Fisher, *supra* note 67; see A. SCHNEIDER, *supra* note 34, at 55. The Department believes that this is the most effective use of § 5937. Interview with Chuck Fisher, *supra* note 67. Apparently, the Department is unsure of success if it were directly to confront a dam owner with enforcement of the statute's remedial provisions. For a discussion of these remedies, see text accompanying notes 84-94 *infra*. While it may be prudent for an administrative agency to proceed cautiously when applying a law of which it is unsure, the Department's uncertainty regarding § 5937 primarily stems from its own inaction. See note 152 and accompanying text *infra*.

⁷⁹ See text accompanying notes 52-64 *supra*.

⁸⁰ Interview with Bob Baiocchi, *supra* note 58.

⁸¹ *Id.* For example, under Federal Energy Regulatory Commission relicensing proceedings for Pacific Gas & Electric Co.'s hydroelectric power operations on the North Fork of the Feather River, the Department, the company and environmental organizations recently spent 30 months negotiating water re-

section 5937 in negotiations thus subjects section 5937's unequivocal requirements, at least in part, to the caprice and bias of the particular water user with whom the Department must deal.⁸²

The Department offers several reasons in defense of its limited enforcement of section 5937. Primary among these is insufficient funding and personnel for vigorous enforcement of the statute.⁸³ Another reason proffered by the Department is its con-

leases for the *studies*—not the actual instream flows under the new license. *Id.* The entire negotiation process, if one includes the studies, can last for several years. Letter from Jerry Mensch, environmental services supervisor, Region II, Cal. Dep't of Fish & Game (July 7, 1980) (on file at U.C. Davis Law Review office).

⁸² Strictly speaking, the Department need not "negotiate" at all, since the language of § 5937 is mandatory and only requires the Department to compute the objective instream flow standard and determine the method of bypass. See text accompanying notes 52-64 *supra*.

At least one region of the Department is now using its experience in instream negotiations in an attempt to remedy some of these problems. The Department's Region II will now set up definite time schedules for each segment of the process leading to the instream flow agreement. The actual negotiations will be a series of meetings one or two months apart. Prior to every meeting each party's respective recommendations will be examined by the other(s). The recommendations are then discussed at the meetings. If an agreement is not reached by a set date, then the Department will cease negotiations and instead submit recommendations to the appropriate authority. Letter from Jerry Mensch, *supra* note 81.

If this new procedure by the Department's Region II is carried out faithfully, it should encourage water users to negotiate more earnestly. For example, under the Federal Energy Regulatory Commission's relicensing procedures, it is to the licensee's advantage to delay negotiations. This is because even after the original license expires, its terms and conditions for instream flows continue in force until a new license is issued. The problem is that most original license provisions for instream flows are probably inadequate. See Forrest L. Hauck, Special Assistant to Regional Engineer, Federal Power Comm'n [now the Federal Energy Regulatory Comm'n], in II INSTREAM FLOW NEEDS CONFERENCE, *supra* note 17, at 430 (Mr. Hauck's comments were not intended to be representative of the Commission).

⁸³ Interview with H.R. Mefford, *supra* note 77; Interview with Chuck Fisher, *supra* note 67. Over 26,000 miles of streams, 862,000 surface acres of lakes, as well as the entire California coast are within the Department's jurisdiction. See, e.g., 1912-14 FISH & GAME COMM'N REP., *supra* note 68, at 109. The Department's budget for 1980-81 totals \$51 million. GOVERNOR, STATE OF CAL., 1980-81 GOVERNOR'S BUDGET R-71. The Department employs 1,400 employees. GOVERNOR, STATE OF CAL., 1980-81 GOVERNOR'S BUDGET, SALARIES AND WAGES SUPP. R-30.

cern that water rights may be superior to the statute.⁸⁴ Although these concerns do raise difficult issues, they do not excuse the Department for consistently ignoring section 5937's mandates.

IV. ENFORCEMENT OF SECTION 5937

A. Means of Enforcement

1. Public Enforcement

As the agency responsible for enforcing section 5937,⁸⁵ the Department has two means at its disposal to carry out this responsibility. First, the Department may resort to criminal prosecution of a dam owner who has refused to comply with section 5937's provisions.⁸⁶ The Fish and Game Code provides that a violation of section 5937 constitutes a misdemeanor,⁸⁷ with a maximum penalty of a \$500 fine and/or six months incarceration.⁸⁸ Second, the Department may sue to enjoin a dam owner from violating or continuing to violate section 5937. Although the Fish and Game Code does not specifically authorize injunctive relief,⁸⁹ California courts have permitted such relief when criminal penalties were inadequate to remedy a particular violation.⁹⁰

Another available means for public enforcement of section 5937 is by way of a *parens patriae* suit for injunctive relief instituted by the Attorney General.⁹¹ Such suits have been brought

⁸⁴ Interview with H.R. Mefford, *supra* note 77.

⁸⁵ The Department's authority derives from § 702 of the Fish and Game Code, which provides: "The provisions of this code shall be administered and enforced by the department." CAL. FISH & GAME CODE § 702 (West 1958). The Department is not authorized to formulate policies for its own general conduct; that power has been delegated to the Fish and Game Commission. *Id.* § 703.

⁸⁶ CAL. FISH & GAME CODE § 12000 (West Cum. Supp. 1980).

⁸⁷ *Id.*

⁸⁸ *Id.* § 12002.

⁸⁹ Nevertheless, as early as 1914, deputies who enforced fish and game laws were instructed that a criminal action was not the sole recourse for violations of such laws. CAL. FISH & GAME COMM'N, MANUAL FOR DEPUTIES 44 (1914).

⁹⁰ See *People v. Monterey Fish Products Co.*, 195 Cal. 548, 565-66, 234 P. 398, 405 (1925) (enjoining reduction of food fish suitable for human consumption); *People v. Stafford Packing Co.*, 193 Cal. 719, 728-29, 227 P. 485, 489 (1924) (enjoining processing of fish without permit); *People v. Truckee Lumber Co.*, 116 Cal. 397, 402, 48 P. 374, 375 (1897) (enjoining discharge of pollutants into stream).

⁹¹ *Parens patriae* suits are derived from the state's sovereign power of guardianship over persons under disability. BLACK'S LAW DICTIONARY 1003 (5th

by the Attorney General to enjoin a power company from fluctuating water flows below its hydroelectric power works,⁹² to stop a lumber company from polluting a stream,⁹³ and to force an irrigation district to construct a fish screen on its diversion canal to prevent the destruction of young bass, salmon and shad.⁹⁴

2. Private Causes of Action

An injured party may be able to enforce section 5937 through an implied private cause of action against a noncomplying dam owner.⁹⁵ While courts are reluctant to imply a private cause of action under a statute whose enforcement the legislature has expressly delegated to an administrative agency,⁹⁶ in certain cir-

ed. 1979). In California, such suits brought for the protection of fish and wildlife are usually based upon public nuisance and "trust ownership" theories. See cases cited in note 120 *infra*.

⁹² California Oregon Power Co. v. Superior Court, 45 Cal. 2d 858, 291 P.2d 455 (1955).

⁹³ People v. Truckee Lumber Co., 116 Cal. 397, 48 P. 374 (1897).

⁹⁴ People v. Glenn-Colusa Irrigation Dist., 127 Cal. App. 30, 15 P.2d 549 (3d Dist. 1932). The irrigation district argued that since it was created by a legislative act and had both state and federal rights to divert water from the river, it could not be guilty of creating a public nuisance. *Id.* at 36, 15 P.2d at 552. Section 3482 of the Civil Code provides: "Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance." CAL. CIV. CODE § 3482 (West 1970). The court held that notwithstanding the district's right to exist under the laws of the state and its water rights, the district nevertheless had a duty to protect the fish in the river, and a breach of that duty could be a nuisance. *Id.*

⁹⁵ In Marks v. Whitney, 6 Cal. 3d 251, 491 P.2d 374, 98 Cal. Rptr. 790 (1971), the California Supreme Court held that a private party has a standing "as a member of the general public" to assert his rights under the public trust easement. *Id.* at 261, 491 P.2d at 381, 98 Cal. Rptr. at 797. Thus, consistent with the state's trust in fish as developed by California courts, see notes 117-33 and accompanying text *infra*, any member of the public should be able to proceed against dam owners who are interfering with that trust.

⁹⁶ The rationale for this is that such actions might interfere with both the agency's discretion to prosecute and the agency's effective administration of a larger comprehensive scheme. See generally Note, *Implied Causes of Action in State Courts*, 30 STAN. L. REV. 1243 (1978). Indeed, this reasoning persuaded one federal district court to hold that private parties lacked standing to enforce § 525 of the Fish and Game Code (§ 5937's predecessor) against the federal government in its capacity as a dam owner. Rank v. Krug, 90 F. Supp. 773, 801 (S.D. Cal. 1950). The court, however, did leave the possibility of a mandamus proceeding open. *Id.*

The prosecutorial discretion objection is not applicable to § 5937. Despite

cumstances they have held that a private cause of action is appropriate.⁹⁷ Among those factors which weigh in favor of implying a cause of action are an administrative agency's resources insufficient to carry out its enforcement duties,⁹⁸ and total inaction by the responsible agency in the face of a statutory violation.⁹⁹ Consideration of these factors in connection with section 5937 indicates that an implied cause of action under that section is particularly appropriate. The Department of Fish and Game is both understaffed and inadequately funded,¹⁰⁰ and its track record for enforcement of section 5937 is virtually nonexistent.¹⁰¹

Private enforcement of section 5937 might also be secured via a mandamus proceeding against the Department by persons dissatisfied with its inaction. Since the Department is under a mandatory duty to enforce the Fish and Game Code,¹⁰² such a

dwindling instream habitat, *see generally* text accompanying notes 16-29 *supra*, the Department rarely, if ever, prosecutes anyone under the statute. Thus, private suits can hardly "interfere" with the Department's "prosecution." *See* text accompanying notes 73-84 *supra*. And while § 5937 is a part of the Fish and Game Code, which as a whole provides for the protection and enhancement of fish and wildlife resources, it is not part of a larger, comprehensive scheme such as the worker's compensation laws. *See* *Christy v. Petrus*, 365 Mo. 1187, 295 S.W.2d 122 (1956), *discussed in* 30 STAN. L. REV., *supra* this note.

Possible erosion of an agency's consistent enforcement policy also militates against implication of a private cause of action. W. RODGERS, ENVIRONMENTAL LAW 76 (1977). Because the Department's treatment of § 5937 has been inconsistent, *see* notes 75-76 and accompanying text *supra*, that objection is also inapplicable.

⁹⁷ *See, e.g., J.I. Case Co. v. Borak*, 377 U.S. 426 (1964); *Fitzgerald v. Pan Am. World Airways, Inc.*, 229 F.2d 499 (2d Cir. 1956).

⁹⁸ *See J.I. Case Co. v. Borak*, 377 U.S. 426 (1964). In holding that private parties could bring actions against those who violated § 14(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78n(a) (1976), the Court noted that the Securities and Exchange Commission had acknowledged that it did not have the resources to examine independently each proxy statement that it received. 377 U.S. at 432.

⁹⁹ *See Fitzgerald v. Pan Am. World Airways, Inc.*, 229 F.2d 499 (2d Cir. 1956). The Civil Aeronautics Board had authority to take at least limited action for the statutory violation involving the plaintiff's complaint, but the board did nothing about it. *Id.* at 502. This weighed in favor of the court's decision to imply a civil cause of action under the statute. *Id.*

¹⁰⁰ *See* notes 68 & 83 and accompanying text *supra*.

¹⁰¹ *See* text accompanying notes 77-78 *supra*.

¹⁰² CAL. FISH & GAME CODE § 702 (West 1958), set forth in note 85 *supra*.

proceeding could be brought to compel the Department to enforce section 5937 against a particular dam owner. Section 5937's essential command to release water is absolute.¹⁰³ Similarly, although instream flow standards may vary from stream to stream, section 5937 requires the release of sufficient water to keep fish below a dam in good condition.¹⁰⁴ Thus, since the Department lacks discretion to exempt dam owners from section 5937's provisions and may only determine whether fish downstream from a dam are in good condition, section 5937 is essentially ministerial in nature. Ordinary mandamus, used to enforce ministerial duties of an administrative agency, is therefore an appropriate remedy for private parties.¹⁰⁵ Administrative mandamus,¹⁰⁶ used to correct an administrative agency's abuse of discretion, might also be sought with respect to disputes concerning the proper instream flow, but this is a remote possibility.¹⁰⁷

¹⁰³ See text accompanying notes 52-58 *supra*.

¹⁰⁴ See text accompanying notes 64-66 *supra*.

¹⁰⁵ See, e.g., *Rich v. State Bd. of Optometry*, 235 Cal. App. 2d 591, 602, 45 Cal. Rptr. 512, 518 (1st Dist. 1965); *Munns v. Stenman*, 152 Cal. App. 2d 543, 557, 314 P.2d 67, 76 (2d Dist. 1957). However, ordinary mandamus is not available to review adjudicatory administrative action pursuant to discretion vested in the agency. *State v. Superior Court*, 12 Cal. 3d 237, 247, 524 P.2d 1281, 1287, 115 Cal. Rptr. 497, 503 (1974).

Any party "beneficially interested" may petition for mandamus. CAL. CODE CIV. PROC. § 1086 (West 1980). Some courts have required the petitioner to allege "substantial damage" or interference with a "substantial right" to have standing. See, e.g., *Silva v. City of Cypress*, 204 Cal. App. 2d 374, 376-77, 22 Cal. Rptr. 453, 455 (4th Dist. 1962). However, when a public right is at issue and enforcement of a public duty is sought, the standing requirement is less strict; the petitioner need only show that he is interested, as a citizen, in having the laws enforced. *American Friends Serv. Comm. v. Procnier*, 33 Cal. App. 3d 252, 256, 109 Cal. Rptr. 22, 24-25 (3d Dist. 1973). Given that fishery resources are held by the state in public trust, see notes 117-33 and accompanying text *infra*, any member of the public should be able to seek mandamus against the Department. See note 95 *supra*.

¹⁰⁶ Administrative mandamus is permitted under § 1094.5 of the California Code of Civil Procedure

for the purpose of inquiring into the validity of any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in the inferior tribunal, . . . board or officer

CAL. CODE CIV. PROC. § 1094.5 (West 1980).

¹⁰⁷ Administrative mandamus may only be used to review an agency's *adju-*

B. Potential Exemptions to Section 5937

1. Water Rights

One unresolved question under section 5937 is whether or not its water-release requirements interfere with vested water rights.¹⁰⁸ The SWRCB has already indicated that at least in some cases section 5937 is not subordinate to such rights. In one instance where permits to appropriate water were sought,¹⁰⁹ the SWRCB approved the applications in part¹¹⁰ but added section 5937's requirements as a proposed special term.¹¹¹ The applicants then petitioned for reconsideration, contending that section 5937 could not require the release of water which they had purchased, conveyed downstream and diverted via a dam.¹¹²

dicatory actions, where the agency determines facts in relation to private rights and interests. CALIFORNIA ADMINISTRATIVE MANDAMUS 10 (Cal. Cont. Ed. Bar 1966). Arguably, a determination of the amount of water that a dam owner must relinquish for instream fishery protection under § 5937 is "adjudicatory" in this sense. The Department must make a factual determination as to how much water must remain in the stream, and this will incidentally determine the quantity of water that a dam owner can divert. However, the Department has no real *discretion* with respect to determining the quantity of water which must be released. It may only ascertain whether fish resources meet the legislative standard of "good condition." See text accompanying notes 62-66 *supra*.

In addition, administrative mandamus is only applicable where the agency's action follows a hearing and receipt of evidence. See, e.g., *Keeler v. Superior Court*, 46 Cal. 2d 596, 599, 297 P.2d 967, 969 (1956). Section 5937 does not expressly require a hearing, and the courts have not had occasion to decide whether or not it impliedly requires one. Interestingly, however, a sister statute of § 5937 relating to dam owners' responsibilities does provide for a hearing and receipt of evidence. CAL. FISH & GAME CODE § 5933 (West Cum. Supp. 1980) (relating to installation of fishways on dams). As noted above, since a dam owner's right to divert water may incidentally be affected, a hearing may be in order. Nevertheless, despite ample opportunity to do so, see notes 13-15 and accompanying text *supra*, the legislature has not imposed a hearing requirement under § 5937.

¹⁰⁸ Of course, a dam owner's voluntary compliance with § 5937 will not create a conflict with water rights. See note 74 *supra*. When the Fish and Game Commission first proposed a water bypass requirement in 1914, it assumed that engineers would design dams accordingly. Presumably this would have precluded any conflict between the two uses. See 1912-14 FISH & GAME COMM'N REP., *supra* note 68, at 33.

¹⁰⁹ Cal. St. Water Resources Control Bd. Decision No. 1476 at 1 (Dec. 17, 1977).

¹¹⁰ *Id.* at 4-6.

¹¹¹ *Id.* at 6.

¹¹² Applicant's Petition for Reconsideration and Amendment of Order at 3,

While the SWRCB agreed that the dam owner should not be required to bypass water in amounts greater than the unimpaired natural inflow,¹¹³ it added:

We do not, however, agree with the applicant's interpretation of section 5937 . . . that one who diverts directly by means of a dam is entitled under all circumstances to full satisfaction of all beneficial uses, under claim of riparian or appropriative right, from the natural inflow in the source before the duty to bypass water for fish arises.¹¹⁴

With the adoption of section 5937 into the California Administrative Code in 1975,¹¹⁵ subsequent appropriative rights are made specifically subject to section 5937, in the absence of more specific fish-protection measures.¹¹⁶ Consequently, a court would have to address the issue of whether section 5937 may impair water rights if confronted with a case involving pre-1975 appropriate rights.

Public trust law provides a basis for upholding section 5937 against a challenge that it unlawfully impairs vested water rights. Under the public trust doctrine, the state must manage a

id.

¹¹³ Cal. St. Water Resources Control Bd. Decision No. 1476 at 2, 3 (as modified Jan. 5, 1978).

¹¹⁴ *Id.* at 4.

¹¹⁵ Cal. Admin. Code, tit. 23, § 762.5, Cal. Admin. Register 75, No. 17 (1975). This regulation in effect provides that if a permit for diversion of water by means of a dam does not contain a more specific fish-protection measure, compliance with § 5937 becomes a condition of the permit. *Id.*

Section 762.5 contains a significant qualification not found in § 5937. If the dam will create a reservoir, the bypass of water is not to exceed the unimpaired natural inflow of the stream. *Id.* This was probably added to ensure that a water rights holder would not be required to create a fishery where none existed before, to the total deprivation of a right to divert and use water. For an example of how the SWRCB applies this regulation in practice, see, e.g., Cal. St. Water Resources Control Bd. Decision No. 1476 (as modified Jan. 5, 1978), discussed in notes 109-114 and accompanying text *supra*.

The practical effect of this regulation is that the requirements of § 5937 are brought to the attention of potential water appropriators while they are in the application process and before any rights are granted by the SWRCB. Interview with Lawrence Spencer, John Page and Ray Dunham, *supra* note 70. The water allocation process is thereby made more efficient. Absent the regulation, § 5937 could escape the applicant's attention, since the Department of Fish and Game does not protest every application to appropriate water. FINAL REP., *supra* note 35, at 107.

¹¹⁶ Cal. Admin. Code, tit. 23, § 762.5, Cal. Admin. Register 75, No. 17 (1975).

variety of natural resources¹¹⁷ for the benefit of its people. If designated a public trust resource, the state, as trustee, may limit private rights in managing that resource.¹¹⁸ In addition, given the public nature of the trust, such resources are not easily alienable into private hands.¹¹⁹

Among those resources held in public trust by the state of California are the fish in its waters.¹²⁰ However, while courts have held that use and enjoyment of private property may be limited where such use adversely affects instream fishery values,¹²¹ they have not decided the extent to which the trust in fish may limit consumptive water rights.¹²² Nevertheless, there is a strong argument that the trust in fish may limit the private use of water, since water is a fundamental necessity for fish.¹²³

¹¹⁷ Traditionally public trust easements have been recognized for navigation, commerce and fishery purposes. *Marks v. Whitney*, 6 Cal. 3d 251, 259, 491 P.2d 374, 380, 98 Cal. Rptr. 790, 796 (1971). Uses protected by such easements, however, are not limited to those above; permissible uses will vary with the public need. *Id.* (in considering the tidelands trust).

¹¹⁸ See, e.g., *Colberg, Inc. v. State*, 67 Cal. 2d 408, 420, 425, 432 P.2d 3, 11, 14, 62 Cal. Rptr. 401, 409, 412 (1967), *cert. denied*, 390 U.S. 949 (1968). See also Dunning, *The Significance of California's Public Trust Easement for California Water Rights Law*, this issue at 357.

¹¹⁹ See, e.g., *City of Berkeley v. Superior Court*, 26 Cal. 3d 515, 528, 606 P.2d 362, 369, 162 Cal. Rptr. 327, 334, *cert. denied*, 101 S. Ct. 119 (1980), *discussed in Note, Increased Public Trust Protection for California's Tidelands—City of Berkeley v. Superior Court*, this issue at 399; see also Dunning, *supra* note 118, at 365.

¹²⁰ *People v. K. Hovden Co.*, 215 Cal. 54, 56, 8 P.2d 481, 482 (1932); *People v. Monterey Fish Products Co.*, 195 Cal. 548, 563, 234 P. 398, 404 (1925); *People v. Stafford Packing Co.*, 193 Cal. 719, 728, 227 P. 485, 488 (1924); *In re Phoedovius*, 177 Cal. 238, 242, 170 P. 412, 413 (1918); *People v. Truckee Lumber Co.*, 116 Cal. 397, 399-400, 48 P. 374, 375 (1897); *Bohn v. Albertson*, 107 Cal. App. 2d 738, 755, 238 P.2d 128, 139 (1st Dist. 1951); *In re Parra*, 24 Cal. App. 339, 343, 141 P. 393, 394 (3d Dist. 1914).

¹²¹ See cases cited in notes 92-94 *supra*.

¹²² Consumptive water rights are those uses of water, under claim of right, where water withdrawn from a source is evaporated, transpired, incorporated into products and crops, consumed by humans or livestock, or otherwise removed from the immediate water supply. I U.S. WATER RESOURCES COUNCIL, *THE NATION'S WATER RESOURCES 1975-2000*, at 2 (1978).

¹²³ Water use by private right holders which depletes the flow of a stream or decreases the quality of the water so as to make it unsuitable for fish life, navigation, recreation, or scenic and ecological uses, is as inconsistent with public trust protection as fencing a stream off from the public, filling tidelands, or depositing debris in a river.

There are, however, limits on the extent to which section 5937 could impair private water rights under the trust. In a related context,¹²⁴ Professor Dunning has identified three instances in which the public trust easement may not prevail over private property rights:

[P]ublic use rights should be regarded as modified or extinguished where the state legislature has properly modified or terminated the easement so as to further trust purposes; where equitable estoppel or fair public policy dictate that the easement should be no longer recognized; or where properly authorized federal activity is the source of the interference with public trust uses.¹²⁵

Under this analysis, section 5937 may not apply to specific state water projects if the legislature, in authorizing them, has considered the impact of such projects on fish.¹²⁶ On the other hand, this limitation would not apply to the numerous private dams and diversions not specifically authorized by the legislature.¹²⁷ With respect to the estoppel and public policy issues,

A. SCHNEIDER, *supra* note 34, at 27 (footnotes omitted).

¹²⁴ See generally Dunning, *supra* note 118.

¹²⁵ *Id.* at 389.

¹²⁶ *Id.* at 391. Professor Dunning contrasts legislative authorization of specific water projects with statutory authorization for administrative disposition of trust resources. When the legislature explicitly authorizes specific projects, it may further some trust uses but eliminate others. Administrative disposition of water in California, through the SWRCB, does not include any express authority to terminate or modify the public trust easement. In addition, although water rights permits and licenses may be specific as to the location and use of water, they are not specific as to the impact of the diversion on public trust uses. *Id.* at 392-93. Thus, since the administrative allocation of water is not a true legislative modification or termination of the trust, the public trust easement remains.

¹²⁷ Even where the legislature has expressly authorized a specific modification of the trust, there may be other controlling instream protection measures. Construction of water projects in California is subject to an express public policy that such projects are to provide for the preservation of fish and wildlife. CAL. WATER CODE § 11900 (West 1971). The Federal Energy Regulatory Commission (FERC) regularly imposes instream fishery flow requirements as a condition to licenses that it issues pursuant to the Federal Power Act, 16 U.S.C. § 791 (1976). Provisions for instream flows can be imposed even though the license is for a legislatively authorized state water project which has modified the trust. For example, the Oroville Reservoir complex on the Feather River includes a power generation facility which is subject to numerous specific fish protection measures under FERC License No. 2100. Under the Fish and Wildlife Coordination Act, 16 U.S.C. § 661 (1976), wherever a stream is modified by any federal agency or private agency under a federal permit or license, state

Professor Dunning suggests that where a public nonconsumptive use is no longer practical and the private activity is based upon government approval of termination of the easement, the public trust easement should be deemed extinguished.¹²⁸ But if the public use remains feasible, there is no reason to terminate it.¹²⁹ Since a fishery is capable of rebuilding diminished populations under careful management, it may be restored by re-establishment of sufficient instream flows. Thus, if a dam has already eliminated a fishery, this should not be a public policy impediment to the application of section 5937.¹³⁰ Even if restoration is feasible, however, a crucial question with respect to section 5937 is how to allocate the water between private and public use. In such instances, public policy would best be served by comparing the economic¹³¹ and other¹³² values of the competing uses. The third limitation on public trust uses, interference by federal activities, is discussed below.¹³³

2. Federal Water Projects

Section 5937's applicability to federally authorized water projects presents a question of fact, the resolution of which is dependent upon the congressional intent of the particular pro-

and federal agencies which administer fish and wildlife resources must first be consulted for the purposes of preventing damage to such resources. The Fish and Wildlife Coordination Act can be used not only where the state legislature has modified the trust, but where paramount federal activity has modified the trust. *Id.* § 662.

¹²⁸ Dunning, *supra* note 118, at 395-96.

¹²⁹ *Id.*

¹³⁰ Contrast this with submerged lands which have been filled and developed. In such instances, it is far from practical to reassert the public trust easement, since the lands are physically developed. See Dunning, *supra* note 118, at 376-77.

¹³¹ For comparisons of out-of-stream and instream economic values, see F. Bollman, *A Simple Comparison of Values: Salmon and Low Value Irrigation Crops* (1979); F. Bollman, *General Discussion of Instream Values* (n.d.); N. WOLLMAN, R. EDGEL, M. FARRIS, H. STUCKY & A. THOMPSON, *THE VALUE OF WATER IN ALTERNATIVE USES* (1962).

¹³² It is appropriate to consider, aside from pure economic values, whether it is wise to subordinate the particular instream value at stake to the particular out-of-stream use. Where a quantitatively small but irreplaceable fishery is at stake, it is preferable to err on the side of caution and give the instream value priority. While a spring run salmon population is scarce, see note 17 *supra*, another parcel of irrigated land is not so scarce.

¹³³ See notes 134-48 and accompanying text *infra*.

ject. In *California v. United States*,¹³⁴ the Bureau of Reclamation had applied to the SWRCB for a permit to appropriate water from the Stanislaus River impounded behind the New Melones Dam,¹³⁵ which had been constructed pursuant to the Reclamation Act of 1902.¹³⁶ The SWRCB held hearings and found that during certain periods of the year unappropriated water was available.¹³⁷ The SWRCB granted the permit but made it subject to a number of conditions.¹³⁸ As a consequence, the United States sought declaratory relief to permit it to impound all unappropriated water necessary for a federal reclamation project.¹³⁹

The United States District Court held that as a matter of comity the federal government must apply for a permit to appropriate water.¹⁴⁰ However, it also held that the state must issue the permit without imposing conditions if unappropriated water is available.¹⁴¹ The Ninth Circuit affirmed,¹⁴² but on the ground that section 8 of the Reclamation Act, rather than comity, required the federal government to comply with the permit

¹³⁴ 438 U.S. 645 (1978).

¹³⁵ *Id.* at 652.

¹³⁶ The Act provides:

Nothing in this Act shall be construed as affecting or intended to affect or in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, . . . and the Secretary of the Interior in carrying out the provisions of this Act, shall proceed in conformity of such laws

Reclamation Act of 1902, § 8, 43 U.S.C. § 383 (1976).

¹³⁷ *California v. United States*, 438 U.S. 645, 652 (1978).

¹³⁸ The most important conditions were those deferring full impoundment of all water sought by the Bureau until it could demonstrate a plan or firm commitment for use of the water. Other conditions reserved Board jurisdiction to impose further conditions to protect beneficial uses of water involved. Several conditions imposed requirements for further or continuing study or the filing of certain reports. *United States v. California*, 403 F. Supp. 874, 882 (E.D. Cal. 1975), *aff'd on other grounds*, 558 F.2d 1347 (9th Cir. 1977), *rev'd and remanded*, 438 U.S. 645 (1978). One of the subjects of further study was the project's effect on the Stanislaus River salmon fishery, at that time worth \$300,000 annually. *Id.* at 881.

¹³⁹ *Id.* at 877.

¹⁴⁰ *Id.* at 902.

¹⁴¹ *Id.*

¹⁴² *United States v. California*, 558 F.2d 1347 (9th Cir. 1977), *rev'd and remanded*, 438 U.S. 645 (1978).

application procedures.¹⁴³

The Supreme Court reversed and held that the state could impose conditions on permits issued to the federal government if such conditions were consistent with the congressional directives authorizing the project.¹⁴⁴ The Court therefore remanded the case for a determination of whether or not the permit conditions were consistent.¹⁴⁵ On remand, the district court held that the condition relating to the preservation and enhancement of downstream fisheries was "consistent with congressional objectives, and [is] binding on, and enforceable against the United States and its agencies."¹⁴⁶

Whether section 5937 may be applied to a federal reclamation project therefore depends on whether its application is consistent with congressional legislation authorizing the project. For example, while the New Melones Project was constructed for flood control, irrigation and power generation purposes, the legislation authorizing the project explicitly requires the preservation of fish and wildlife.¹⁴⁷ Accordingly, section 5937 could be

¹⁴³ *Id.* at 1351.

¹⁴⁴ *California v. United States*, 438 U.S. 645, 674 (1978). Even where no such congressional directives exist, under recent executive policy federal agencies must regulate their activities consistent with federal policy regarding instream protection. In 1978 President Carter directed federal agencies, in cooperation with the states, to improve wherever possible the operation and management of existing water resources to protect instream uses. Memorandum from President Jimmy Carter to Selected Federal Agencies (July 12, 1978), reprinted in U.S. SEC'Y OF THE INTERIOR, FINAL REPORT ON PHASE I, WATER POLICY IMPLEMENTATION B-9 (1980). In project planning stages, federal agencies must establish and provide for instream flows necessary to maintain instream needs below project facilities. *Id.*

¹⁴⁵ *Id.* at 679.

¹⁴⁶ *United States v. California*, No. 80-27 at 38 (E.D. Cal., filed Feb. 27, 1981). The amount of water ultimately required for downstream fisheries may well be several times that which the United States was willing to release. While the U.S. Bureau of Reclamation allocated 98,000 acre-feet per year for downstream fish releases, Cal. St. Water Resources Control Bd. Decision No. 1422, at 11 (Apr. 4, 1973), the California Department of Fish and Game recommended that a total of 312,000 acre-feet annually be released for such purposes. *Id.* at 20. The SWRCB settled the dispute by reserving jurisdiction and leaving the issue for further study. *Id.* at 32.

¹⁴⁷ Flood Control Act of October 23, 1962, Pub. L. No. 87-874, § 203, 76 Stat. 1180, 1191 (1963) (reauthorizing Flood Control Act of December 22, 1944, Pub. L. No. 78-534, § 10, 58 Stat. 887 (1945)). The act states (emphasis added):

[B]efore initiating any diversions of water from the Stanislaus River Basin in connection with the operation of the Central Valley

applied to the federal government in this instance.

CONCLUSION

Because of its extensive water projects and diversions, California risks destruction of a vital natural resource—instream fisheries.¹⁴⁸ To remedy this problem, it is imperative that the Department of Fish and Game rigorously enforce section 5937 to ensure adequate fishery flows.

Enforcement of the statute is not free from difficulties. Its effect on water rights is unsettled,¹⁴⁹ and it may not apply in all instances to the federal government in its capacity as a dam owner.¹⁵⁰ In addition, logistical problems prevent the Department from meticulously determining instream flow requirements on a stream-by-stream basis.¹⁵¹ Nevertheless, section 5937 remains valuable and necessary for securing instream flows to restore and maintain California's fishery resources.

Section 5937 will only be efficacious, however, if the Department of Fish and Game departs from its timid posture regarding enforcement of the statute. Section 5937's utility as a fish-protection measure has been apparent to environmental activists for over twenty years.¹⁵² The Department must cease relying on

project, the Secretary of the Interior shall determine the quantity of water required to satisfy all existing and anticipated future needs within that basin and the diversions shall at all times be subordinate to the quantities so determined: Provided further, That the Secretary of the Army *adopt appropriate measures to insure the preservation and propagation of fish and wildlife* in the New Melones project and shall allocate to the preservation and propagation of fish and wildlife . . . an appropriate share of the cost of constructing the Stanislaus River diversion and of operating and maintaining the same

¹⁴⁸ See notes 16-29 and accompanying text *supra*.

¹⁴⁹ See notes 108-133 and accompanying text *supra*.

¹⁵⁰ See notes 134-147 and accompanying text *supra*.

¹⁵¹ See notes 67-71 and accompanying text *supra*.

¹⁵² See, e.g., C.H. Bohrmann, chairman, Associated Sportsmen of California, Committee on Water Projects and Engineering, Report on Water Projects and Engineering for 1959-60 (on file at U.C. Davis Law Review office) (emphasis in original):

Sec. 5937 of our F & G Code is supposed to protect our streams against such an act [referring to a large water diversion]. For the past several years your chairman has asked our former Directors of the Dept. of Fish & Game to take this law to the test of the courts, but this has never been done.

“voluntary” compliance with section 5937 and take active steps to enforce it.

In 1966, the California Fish and Wildlife Plan observed that fish had been “shortchanged” by water development;¹⁵³ indeed, past practices have seemingly amounted to an embezzlement. It is time for an accounting, and section 5937 is one tool the trustee can use for recompense.

Joel C. Baiocchi

. . . .

Upon this law [§ 5937] hinges the amount of water to which our fisheries are entitled below all dams and diversions—it is our fishery survival

¹⁵³ II CAL. PLAN, *supra* note 16, at 21.