CALIFORNIA TROUT

KEEPER OF THE STREAMS

August 8, 2000

Ms. Kindra Loomis, Staff Scientist
Entrix, Inc.
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RE: PRELIMINARY COMMENTS ON LOWER SANTA YNEZ RIVER FISH MANAGEMENT PLAN

Dear Kindra:

Thank you for providing a brief window of time for comments on the Final Lower Santa Ynez River Fish Management Plan (Plan). Since only eight business days have elapsed between receipt of the Plan and the August 9 deadline you set for comments to be incorporated in the Plan that is forwarded to the State Water Resources Control Board (SWB), and because there have been numerous substantive changes, deletions and additions to the Plan since the last draft was distributed, our comments below represent only a preliminary response to your call for comments. We expect to provide a more detailed analysis and commentary on the Plan to you and the SWB prior to commencement of the Santa Ynez River SWB Hearing process.

GENERAL COMMENTS

First and foremost, the title of this Plan clearly illustrates a now-institutionalized failure of the Santa Ynez River "Consensus Committee" and the supporting Technical Advisory Committee (SYRTAC) to fully recognize that the Santa Ynez River has been artificially segmented into a "Lower" and, by default, "Upper" river. California Trout has repeatedly brought this to the attention of the "Consensus Committee" and the SYRTAC, both verbally and in written comments. Serially dismissing all facets of this issue, as the Plan does in Sections 3.3.4 and 3.3.5, is conspicuously inappropriate, and inconsistent with biological reality in the Santa Ynez River. Removal of these actions from further consideration until the lower river action items fail is inappropriate. Further, since (as noted below) there are no measurable standards for success or failure prescribed by the Plan, these issues will have no incentives to be revisited.

Every document that discusses the status of Southern Steelhead, or steelhead in California more generally, from Rob Titus' work to the California Steelhead Recovery and Management Plan to the National Marine Fisheries Stock Assessment supplement dealing with the reasons for decline of west coast steelhead, refers to the fact that the central reason steelhead are in jeopardy of extinction is lack of access to historic spawning and rearing habitat above impassable manmade barriers such as Bradbury Dam.

California Trout is unaware of any ecosystem or fisheries biologists who support the concept that the lower reaches of a river are functionally interchangeable with the upper reaches, either hydrodynamically or biologically; it is a concept that is generally not seen in the peer-reviewed, published literature on riverine ecosystems. Thus to develop a management plan that seeks to use the best available science and current ecological principles together with an adaptive management strategy, that purports to address the recovery

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of an umbrella species such as the Southern Steelhead (*Oncorhyncus mykiss iridius*) using only the lower portion of its waterway (encompassing perhaps only ten to twenty percent of the historic, quality spawning and rearing habitat once available to it) contradicts the fundamental tenets of both good limnological science and good stewardship.

To omit the central issue that Bradbury Dam blocks steelhead passage to the vast majority of good spawning and rearing habitat in the Santa Ynez River is akin to prescribing an aspirin for a femoral artery cut. The patient is bleeding to death and we're prescribing headache remedy. This misdirected prioritization takes the easy path through the regulatory arena, rather than "cutting to the chase." It is entirely understandable, given the written positions of both the State and Federal agencies having the public trust responsibility to restore this run of fish, that the SYR Committees would take this path of least resistance. But it is not a path supportable by CalTrout. Thus we have not achieved the desired "consensus" referred to in the title of the policy committee.

Both the California Department of Fish and Game (DFG) and the National Marine Fisheries Service (NMFS) have, by taking expedient positions inconsistent with the biological facts of the matter, simply made it more difficult for all of us trying to "do the right thing" on the Santa Ynez River and, in fact, throughout ESU #11. In fact, the State of California does so in direct contradiction to its own Steelhead Restoration and Management Plan, which clearly states (page 198) that the feasibility of providing fish passage across Bradbury Dam should be investigated and implemented accordingly. Likewise, this Plan ignores the State's directive in this important matter. It remains to be seen, since we have been repeatedly notified of delay after delay in the ESA Biological Opinion, how NMFS will finally view this matter. Regardless of NMFS' Opinion, California Trout considers this conspicuous omission a fatal flaw in the legitimacy of the Plan as written. This should come as no surprise to either the "Consensus Committee" or the SYRTAC, who have been repeatedly advised by CalTrout that this issue cannot be swept under the rug of expediency. It is disconcerting to be so blatantly ignored in a so-called "consensus" process.

Aside from this central fatal flaw in the Plan, the measures described in Plan Implementation Sections 5.2-5.4 (Actions...) are generally appropriate and suitable measures to attempt to create or restore some semblance of functionality to a reach of the Santa Ynez River mainstem that was historically principally a migratory corridor for steelhead to get to the spawning and rearing habitats of Cachuma Creek, Santa Cruz Creek, Indian Creek and Mono Creek, among many others, that were the mainstay of production for the many thousands of fish known to have run in the Santa Ynez. In the attempt to "make a silk purse out of a sow's ear," as our forefathers would have phrased it, these measures seem to be a reasonable effort.

In general, however, it is the opinion of CalTrout that it is highly unlikely that the steelhead run in the Santa Ynez River will be restored to sustainability by Hilton and Quiota Creeks, and that Salsipuedes Creek is so degraded from adjacent land-use sedimentation that it would take herculean measures to bring this tributary into meaninful productivity for steelhead in the coming decades. The fact remains that the high-quality spawning and rearing habitat that could restore steelhead in the Santa Ynez River remains above Bradbury Dam.

A second overarching problem with the Plan is that, contrary to both traditional management as well as the more recent "adaptive management" paradigm referred to in the Plan, nowhere in the Plan are there measurable performance outcomes described, against which we can measure the success or failure of action items described in the Plan. One of the basic tenets of management reads "if it can't be measured, it can't be managed." Going back to the original issue for which this Plan was crafted, Fish and Game Code Section 5937 speaks to dam owners/operators about allowing flows below the dams to keep fish in "good condition."

California Trout has both the privilege and the obligation to ask the question: "How do we know when we've done that?" The Plan sets forth no standards of achievement, no measurable goals and objectives against which yardstick we can measure the success or failure of any individual action or the collected action items comprising the Plan. Thus the Plan, as written, has no way to judge progress, no way to assess the utility of the outcomes of the action items. The SWB is obligated to decide, absent any such measurable performance standards, exactly what "good condition" is. They have asked for these studies on the Santa Ynez River, and this Plan, to provide guidance or at least information to answer that question. California Trout believes that the Plan as written does not do that for the SWB. This constitutes a second fatal flaw in the Plan as currently envisioned.

EXECUTIVE SUMMARY

The opening paragraph of this summary lists the beneficial uses of water in the lower Santa Ynez River, but fails to mention that an accepted, approved beneficial use is for fish and wildlife.

"Steelhead and their habitat"

1st paragraph:
"Recent surveys suggest that small numbers of steelhead can enter the Santa Ynez River to spawn, usually in the lower tributaries (Salsipuedes and El Jaro Creeks)..."

This is a good example of selective use of data to draw a conclusion unwarranted from the bulk of evidence available. Since the SYRTAC spent over $180,000 per year since 1993 to gather data on where the steelhead go to spawn, it would be useful to use all of the data, not just "recent studies." And in many of the years, it is the tributary immediately below Bradbury Dam, i.e., Hilton Creek, that has had the largest number of spawners trapped in the data collection program. Hence the statement above discolors the true picture by attempting to suggest that spawning is principally, or at least "usually" relegated to the "lower tributaries." This is simply not reflected by the entirety of the data available.

2nd paragraph:
"Even before construction of dams in the basin, portions of the mainstem below the dam typically dried during the summer."

CalTrout has been monitoring the SYRTAC studies since before they began in earnest, and at no time during the course of the studies or reports on information gathered to support the hydrology of the Santa Ynez River, was any data whatsoever presented regarding flows in the mainstem prior to the construction of "the dams," since Gibralter Dam was constructed in 1920 or so and flow records do not go that far back. Even the rainfall records that might be used to correlate to flow by back-calculation only go back to 1906 or so, and a 14 year dataset (1906 to 1920) is grossly inadequate to characterize "typical" flows in the Santa Ynez River "before construction of dams in the basin." This statement is an opinion unsupported by any factual basis so far presented to or by the SYRTAC, and should be stricken from the Executive Summary or clearly identified as "in the opinion of the Plan authors." It is ***not*** fact.

This last paragraph of this section ends on page EX-3 discusses the issue of temperature tolerances ("thermal criteria") for steelhead. It initially says that thermal criteria for northern steelhead are regularly exceeded. It then says that despite this, steelhead have survived under these conditions. The logical syllogism remains uncompleted, however. The conclusion to be drawn from these two statements, and one

that should be made explicit to the reader of this Executive Summary, is that since these Southern Steelhead survive exceedance of thermal criteria for their northern counterparts, thermal criteria for the north are inappropriate for use in the south. But the Plan does not clearly state this, and should.

"The Plan"

Paragraph 1 tells the reader that this Plan is "consensus-based." We hope that by reading this far in these preliminary comments, that you are aware that this is also not a factual statement. If the authors meant to state that "excluding CalTrout and a few other conservation groups, this plan is consensus-based," then they should so state. But it would be misleading to readers of the Plan to make the statement as it is written. And the reason that this is not consensus-based is not hidden from view, nor is it new. As noted above, our interest (and the directive of the California Steelhead Restoration and Management Plan) in addressing the fish passage barrier represented by Bradbury Dam has been consistently ignored by the SYRTAC and is likewise ignored by the current Plan. We have professional experience on our Board of Governors with the consensus-building process, and what is represented by the Plan draft as written is completely inconsistent with the term. This mischaracterization should be stricken from the Executive Summary.

The third paragraph again illustrates the institutional blinders worn by the SYRTAC and Consensus Committee, because the language exhibits an ingrained lack of recognition that there is any river or suitable steelhead habitat above Bradbury Dam. To illustrate: "The majority of rainbow trout/steelhead habitat in the Santa Ynez River basin is located on private property." This statement is completely wrong, and would not have been made had the blinders prevented the authors from looking above the Dam. The ***vast majority*** of suitable, high-quality spawning and rearing habitat is located ***above*** Bradbury Dam and contained nearly wholly in the ***Los Padres National Forest***, which, the last time we checked, was ***public*** property. This sentence is retained in this draft of the Plan despite our repeated notations to SYRTAC that it is erroneous, further illustrating the level to which CalTrout's comments have been systematically ignored in this consensus-based process. We will be pleased to provide the prior comment letters making this point, if CalTrout's letters have somehow been lost in the files or otherwise ignored.

Page EX-4, first "bullet"

Should read "...within the LOWER mainstem:.."

Last paragraph of "The Plan"

"Reaches of the LOWER mainstem and tributaries BELOW BRADBURY DAM..."
(same issue/comment)

"Reaches...selected as having priority...were identified based upon...(2) water temperature..."
This identification and prioritization was made, interestingly, in the acknowledged (see "Steelhead and their habitat") absence of information on the temperature tolerances of Southern Steelhead.

Section 3.3.5 Downstream passage...

"Above the dams, steelhead became landlocked and now carry out a resident lifestyle with no juvenile migration to the ocean."

There is absolutely no evidence to either support or refute this statement-made-as-fact. Since no mainstem downmigrant trapping has been done in years when the dams spill to catch fish that weren't marked in the reservoirs, there is no way that a biologist can credibly assert that landlocked steelhead trapped upstream by these dams don't ever wash over the dams and begin a migration to the ocean.

RECOMMENDED ACTIONS

Action item (3) is characterized as "improving access to important spawning and rearing habitat in the mainstem and tributaries..."

Same issue/comment: LOWER mainstem and tribs. Once again, the institutional blinders have created a draft Plan that indicates that the "important" spawning rearing habitat is below Bradbury Dam, when, in fact, the important spawning and rearing habitat for steelhead historically in the Santa Ynez River is above Bradbury Dam.

Overall, the Recommended Actions, while somewhat useful in trying to manufacture the upper river out of the lower river (when, in fact, they are non-interchangeable) clearly illustrates the Machiavellian measures necessary to assist the recovery of steelhead in the vacuum created by failure to address the real, core issue of fish passage.

The above comments are to be taken as preliminary and interim, until adequate time has been given to California Trout to review further details of the Plan. We reserve the right, as noted above, to elaborate on these comments, add additional points of concern, or ask for further clarification of action items or background materials presented in this Plan, prior to the SWB hearings on the Santa Ynez River. Given the degree to which our previous comments have gone unread or unheard, however, we are extremely discouraged about the prospect of reaching consensus on this Plan, and disappointed about the outcome of our previous efforts to communicate our concerns to the SYRTAC in such a way that they are incorporated into the process.

Please feel free to contact us about any of these preliminary/interim comments, about how the draft Plan may be revised to incorporate California Trout's historic and ongoing concerns about fish passage across Bradbury Dam, and/or about the measurability of outcomes of action items proposed. Thank you, once again, for the opportunity to provide comments on this draft Plan prior to its submission to the SWB.

Sincerely,

Craig Fusaro

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Board of Governors, Central Coast Region

c: Mr. Jim McNamara, U.S. Bureau of Reclamation
Mr. Jim Canaday, State Water Resources Control Board
Mr. Charles Raysbrook, Department of Fish and Game
Mr. Eric Shott, National Marine Fisheries Service
Other interested parties