

## DEPARTMENT OF FISH AND GAME

1416 NINTH STREET  
P.O. BOX 944209  
SACRAMENTO, CA 94244-2090  
(916) 653-9442

**EXHIBIT** CT 17

May 9, 1997

Ms. Jean Baldrige  
Study Coordinator, Santa Ynez River Technical Advisory Committee  
Trihey and Associates, Inc.  
4180 Treat Blvd.  
Concord, California 94518

Dear Ms. Baldrige:

This letter is to provide you with additional information regarding State, Fish and Game Commission (Commission), and Department of Fish and Game (Department) policies regarding use of artificial spawning and rearing facilities for supplementation, mitigation, or enhancement purposes for your use in formulating the Management Alternatives Report for the Santa Ynez River steelhead, and for evaluating management actions for the Ventura River Steelhead Restoration and Recovery Plan. Also, described below are Department objectives for restoring steelhead populations in the Santa Ynez and Ventura rivers.

State Policy*Salmon, Steelhead Trout, and Anadromous Fisheries Program Act (SB 2261)*

This Act was passed by the California legislature, signed by the governor, and chaptered into the Fish and Game Code in 1988 (Section 6900 et. seq.). The Act established the Salmon and Steelhead Trout Restoration Program within the Department, 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.
- Protection and enhancement of naturally spawning salmon and steelhead would provide a valuable public resource to residents and would have a large statewide economic benefit.

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- 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.
- 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.
- that existing natural salmon and steelhead habitat shall not be diminished further without offsetting impacts of the lost habitat.

#### *Trout and Steelhead Conservation and Management Act of 1979.*

This Act declares that it is a policy of the State to establish and maintain wild trout and steelhead stocks in suitable waters of the state.

#### Fish and Game Commission Policy

##### *Steelhead Rainbow Trout*

This policy states that existing steelhead trout habitat shall not be diminished further without offsetting mitigation of equal or greater long-term habitat benefits. All available steps shall be taken to prevent loss of habitat, and the Department shall 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.

##### *Cooperatively Operated Rearing Programs For Salmon and Steelhead.*

This policy states that Cooperative Rearing Programs may be used to accelerate restoration/rehabilitation of depleted wild populations in underseeded habitat. However, this policy also 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 requires that:

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

#### Department of Fish and Game Policy

##### *Salmon and Steelhead Stock Management Policy*

It is the policy of the Department to maintain the genetic integrity of all identifiable stocks of salmon and steelhead in California.

The Department will 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.

### *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.

### Department Steelhead Management and Restoration Objectives

Management objectives for Santa Ynez River and Ventura River steelhead were formulated with the above policies in mind. As stated in the *Steelhead Restoration and Management Plan for California* (Steelhead Plan), the Department's objectives for steelhead in these streams are:

#### **Santa Ynez River**

- To 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.
- Investigate the feasibility of providing adult and juvenile passage around Bradbury Dam and implement passage facilities accordingly.
- 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.
- Seek adequate interim releases from Lake Cachuma until a permanent solution is implemented
- 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.

#### **Ventura River**

- A fishway should be constructed at the Robles Diversion. It is the Department's position that a fish passage facility is necessary to restore steelhead in the Ventura River.

- The Department 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.
- The negligible bypass flow from the Robles Diversion often causes a complete dewatering of the middle reach of the Ventura River. The Department 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.
- The Department supports comprehensive watershed planning for the Ventura River watershed.

### **Captive Breeding**

The Steelhead Plan also addresses the use of artificial rearing facilities as emergency captive breeding or rearing facilities. The Plan states:

"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 [Pacific Salmon and artificial propagation under the Endangered Species Act. NOAA Tech. Memo. NMFS-NWFSC-2, 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."


In light of the above, we view the management alternative of using artificial spawning or rearing facilities to mitigate for the loss of habitat due to water development on the Santa Ynez

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and Ventura rivers, or to enhance the fishery, as not being consistent with the restoration objectives identified for these areas. The Department may authorize an artificial facility for emergency captive breeding or rearing purposes, however, we envision that this would only occur when "physical" fixes, such as increased flows or a passage facility, are implemented to alleviate the factor or factors that are most limiting to recovery and self-sustainability of the wild stock. Issuance of Department permits for artificial facilities will be based upon how they conform to the above mentioned policies and protection of public trust aquatic resources.

If you have any questions, please contact Mr. Dennis McEwan at 916 653-9442 or at the letterhead address.

Sincerely,

  
For Timothy C. Farley, Chief  
Inland Fisheries Division

cc: Mr. Ed Ballard  
U.S. Fish and Wildlife Service  
Ventura, California

Mr. Jim Canaday  
State Water Resources Control Board  
Sacramento, California

Mr. John Gray  
Woodward-Clyde Consultants  
Santa Barbara, California

Mr. Craig Wingert  
National Marine Fisheries Service  
Long Beach, California

Mr. Craig Fusaro  
Caltrout  
Santa Barbara, California

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Department of Fish and Game:

Mr. John Turner  
Oil, Spill, Prevention, and Response  
Sacramento, California

Environmental Services Division  
Sacramento, California

Mr. Paul Forsberg  
Mr. Bill Snider

Region 5

Mr. Dwayne Maxwell  
Long Beach, California

Mr. Maurice Cardenas  
Santa Barbara, California

Mr. Steve Parmenter  
Bishop, California