



FRIENDS OF THE SHASTA RIVER

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Eileen Sobeck
Executive Director
State Water Resources Control Board

June 2, 2021

via email to: Eileen.Sobeck@waterboards.ca.gov

RE: EMERGENCY SITUATION REGARDING SHASTA RIVER DEWATERING

Dear Director Sobeck,

Friends of the Shasta River is concerned a recent manipulation of Shasta River flows foreshadows an acute water quality crisis that negates work toward TMDL compliance and will accelerate mortality of threatened Coho salmon. As a State agency responsible for protecting public trust resources, we believe it is imperative the State Water Resources Control Board (State Board) address this crisis by issuing temporary emergency regulations establishing minimum 45 cubic feet per second (cfs) instream cold water flow in the Shasta River.

Our group's critical analysis of the proposed National Marine Fisheries Service (NMFS) Shasta River Safe Harbor agreement and events over the past week indicate the agreement may actually damage both Shasta water quality and its threatened salmon. We believe Safe Harbor stewardship measures, because they are more permissive than those set by the Shasta River TMDL Action Plan, will not sufficiently address the Shasta River water crisis and recovery of threatened Coho salmon.

Last week Safe Harbor participants participated in a coordinated pulse flow event that temporarily increased water levels in the river to "flush/provide a [cue] to juvenile salmon" to leave the river ahead of anticipated lethal temperatures (see Attachment 1). Though a metered pulse flow might cue fish ready to out migrate into departure, fish that must rear in the Shasta over the summer, most significantly threatened Coho Salmon, likely were displaced from cold water refuge areas in response to the sudden flow increase.

After the sudden high flow event a precipitous and near record drop in flow this weekend (see Attachment 2) likely stranded or stressed fish that moved into the flooded and then suddenly dewatered habitat. Without rotary trap (traps were disabled from high flow debris, see Attachment 1) or pit tag monitoring of fish out migration and mortality, no data substantiates the impact of the attempted fish purge. On May 30th one of our members took photographs near the river mouth demonstrating how

quickly the water dropped, resulting in flows far below what are needed for Coho survival, much less recovery (see Attachment 3).

We contacted the Shasta River Watermaster who did not know why the river dropped so quickly, speculating it was the result of "upstream riparian use." Most of the riparian diverters upstream of the Montague gauge that recorded the plummeting flow are Safe Harbor participants. Due to the inadequate nature of the existing adjudication, with no required minimum flow for fish, the water master had no power to supplement instream flow.

The TMDL Action Plan's "cold water instream flow" of "45 cfs", if implemented immediately, will ensure Coho have suitable over summer habitat to buffer the Clean Water Act temperature impairment which the May 29-30 Safe Harbor participant generated flow manipulation likely exacerbated. Given the dire flow situation and current drought conditions, which will continue to affect not only threatened Coho but also all other fish and aquatic species in the river, we request appropriate emergency regulations as necessary to ensure temperatures do not rise to levels fatal to rearing Shasta River salmonid populations. The required irrigation diversion curtailments necessary to sustain Shasta River fish through a minimum flow requirement fall within the State Board's responsibility to curtail unreasonable use that harms threatened Coho salmon. (*Sanford Vina Ranch Company v. State*, 50 Cal.App.5th 976 (2020).)

Such emergency action needs to be the start of a longer-term strategy of re-adjudication, as alluded to in Table 4 of the TMDL Action Plan, considering the original decree omitted provision for dedicated instream Shasta River flow, that better balances the needs of fish and wildlife with other competing beneficial uses.

Thank you for consideration of this urgent issue.

Yours sincerely,



Andrew Marx
President
Friends of the Shasta River

Please see following attachments:

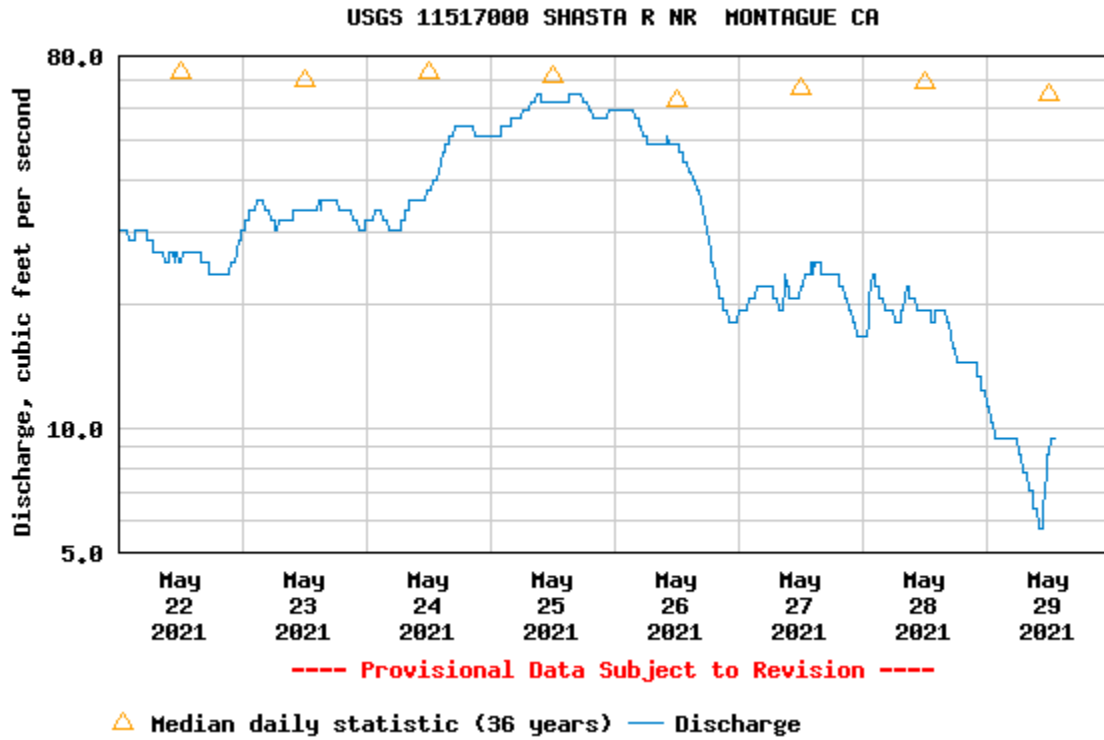
1. Message from CDFW official to FOSR, May 26, 2021.
2. Chart showing river flows at Montague, CA May 22-29, 2021
3. Photos taken May 30, 2021 showing low water flows.

Attachment 1: Communication from CDFW to FOSR on May 26, 2021

“The purpose was to provide a sufficient flow as to flush/provide a queue to juvenile salmon in the canyon to move into the main stem of the Klamath River ahead of anticipated warming or lethal temperatures expected soon in the Shasta River. As far as how effective it was, see the Shasta River nr Yreka gage data, which shows an increase from 10 to 48 cfs. We can’t definitively prove fish moved with rotary screw trap data as hoped, as we caught so much algae with the higher flow that we had to halt screw trap operation based on likelihood of fish mortality if we continued.”

(copy of actual email available on request)

Attachment 2 Shasta River flows near Montague May 22-29, 2021



Above: Shasta River near Montague gauge ~ RM 13. Note logarithmic scale for cfs.
https://waterdata.usgs.gov/ca/nwis/uv/?site_no=11517000&PARAMeter_cd=00065,00060

Attachment 3: Photos of “Post-Pulsed Flow” Shasta River water levels taken May 30, 2021.

Photos by Friends of the Shasta River

