



CalTrout's mission is to protect and restore wild trout, steelhead, salmon and their waters throughout California.

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# Streamkeeper's Log

## Joining Forces For Good

As always, thank you for your support in helping California Trout achieve a number of key accomplishments in 2013. Whether you're a new or longtime supporter, you know it takes time (more often than not, lots of time) to drive real change in the conservation world. We've made real and tangible accomplishments this year on the long-term path toward the protection and recovery of trout, steelhead, salmon and their waters throughout California.



**We do this work** because we believe that 1) healthy cold water ecosystems are the lifeblood of California, critical to its current and future well-being, and 2) thriving populations of wild trout, steelhead, and

salmon are the best indication of that health.

Many of our accomplishments this year are driven by CalTrout's philosophy that solutions exist even when there are multiple stakeholders with differing needs.

For example:

- Last month's historic signing of the Mono Lake Settlement Agreement (which marks the end of a 24-year battle) meets the needs of the Mono Lake Committee, CA Department of Fish & Wildlife, L.A. Department of Water & Power, and CalTrout. You can read more about the agreement on page 2.
- The Eel River estuary recovery program works for ranchers and fish.
- Our work on Shasta River flows and habitat improvement honors long-standing water rights and gets fish access to critical cold water.
- Our Knagg's Ranch project proves that working lands can be managed as important salmon rearing habitat, grow rice, and provide necessary central valley flood protection.

This multi-stakeholder, solution-oriented approach is a model and mindset we believe is critical to moving the ball forward sooner, at less cost, and in a more meaningful way in today's world. Let's continue to realize great accomplishments together in the coming years!



Sincerely,

**Jeff Thompson**  
CalTrout Executive Director



# How The Fight To Save Mono Lake Changed California

The fight for Mono Lake pitted a handful of small conservation groups against a seemingly invincible Los Angeles Department of Water and Power. What happened next forever altered California's water landscape. In 1941, the LADWP began diverting water from the key tributaries feeding Mono Lake, sending the water 350 miles south to a thirsty, fast-growing Los Angeles. By the early 1980s, the volume of Mono Lake had fallen by half and the water's salinity had doubled. The world-class brown trout fisheries in Rush and Lee Vining Creeks had disappeared. Toxic alkali dust storms blew up from Mono's exposed salt flats. Ducks and geese – nesting on islands suddenly accessible to land-based predators – saw their populations fall by 99%. Even the brine shrimp population was in free fall. In simple terms, Mono Lake and its tributaries were dying.

## Saving Mono

To preserve Mono Basin, conservation groups like CalTrout, National Audubon Society and the Mono Lake Committee faced off against the politically powerful LADWP, which had already drained the Owens Valley. To many, the fight seemed hopeless.

Fast forward from the 80s to August 27, 2013, when – after decades of litigation and scientific study – the LADWP board voted to accept a negotiated agreement specifying flow regimes and restoration programs for Mono Lake and Mono's tributary creeks, stamping an exclamation point on one of California's biggest environmental victories.

What happened between the low point of 1982 and the agreement of 2013 is the stuff of legend; a string of legal victories that not only re-watered an entire basin, but created legal precedents that protect waterways throughout the state.

## In California, Water's for Fighting

Mono Lake is an ancient sea that has no outlet; water in the basin runs to the lake but doesn't drain from there. The result is a unique, visually stunning body of water with a salinity higher than that of the ocean.

Enter the LADWP, who diverted the water from Mono's tributary streams and sent it over 350 miles south. By 1982, these diversions had dropped Mono Lake's level 45 vertical feet and collapsed the ecosystem.

As early as the late 1970s, Audubon and the Mono Lake Committee tried to force LADWP to put some water back in key tributaries by invoking the Public Trust Doctrine.

CalTrout co-founder and former Director, Richard May, noted that "They were trying to use the public trust doctrine, but they weren't making much of an impression on the courts or LADWP."

In the early 1980s, CalTrout stepped into the fight, arguing that a long-ignored, never-litigated portion of the state's Fish & Game code (Section 5937) required LADWP to leave enough water below its dams to keep fish populations "in good condition."

May said, "Section 5937 prohibits dam owners from just drying up rivers, and it represented a legal manifestation of the Public Trust Doctrine, at least in terms of how dams were operated."

In other words, it might be the key to preserving Mono Lake. However, applying 5937 in a lawsuit seemed risky; the law had long been ignored. In fact, in 1951, Attorney General Pat Brown had even declared 5937 "advisory only," refusing to allow the Department of Fish and Game to invoke it.

The stage was set for a confrontation.

## The First Big Win: CalTrout I

In 1985, the lawsuit which would eventually be known as CalTrout I pitted the public's right to a fishery (that existed prior to LADWP's diversions) against LADWP's claims to all the water in Rush Creek.

In fact, in 1984, LADWP announced that after two wet years -- where water had once again flowed in Rush Creek -- they planned to dry it up once again. Agitated, the judge in the case issued a restraining order against LADWP.

Then, on August 22, in a landmark decision, Judge Otis threw out LADWP's claim to all the water in Rush Creek, and -- invoking 5937 -- ruled that the state-granted licenses to LADWP weren't legal.

This was big victory for Mono Lake, but an even bigger victory for fish; a court had finally recognized the legal power of Section 5937. Suddenly, dam operators were legally bound to leave enough water flowing to keep fish populations "in good condition" -- a legal requirement which has become one of the most powerful tools available to fisheries groups.

## More Victories

Throughout the rest of the 1980s, lawsuits were filed to extend the protections offered to Rush Creek to Lee Vining Creek, Parker Creek, Walker Creek and even the Owens River Gorge.

In 1990 -- when it became clear the State Water Resources Control Board (SWRCB) was dragging its feet in amending LADWP's water licenses -- CalTrout returned to the Third District Court of Appeals, which ordered that the historic fisheries on the four main Mono tributaries be restored immediately.

This became known as the CalTrout II ruling, and it paved the way for the historic 1994 SWRCB decision (known as D1631) that not only amended LADWP's water licenses, but also mandated restoration efforts for fish and waterfowl.

The fight wasn't over, but -- astonishingly -- it appeared that a pair of tiny conservation groups had stood up to a politically connected, legally potent LADWP -- and won an unlikely series of victories.

## Rush Creek, Lee Vining Creeks to Flourish?

In 1998, four years after D1631, scientists embarked on a series of decade-long studies to determine what was needed to restore Mono's tributaries, and in 2010, they delivered their final recommendations. LADWP initially objected to those recommendations -- raising the specter of more lawsuits and delays -- but rather than see the process bogged down in litigation, CalTrout Eastern Sierra Regional Manager Mark Drew, along with partners, engaged LADWP in a facilitated mediation process that, after three years, has resulted in a significant settlement.

The result was the historic August 27, 2013 agreement between LADWP, CalTrout, the CA Department of Fish & Wildlife and the Mono Lake Committee. "This is a big deal," said Mark Drew. "It was incredibly arduous to reach this agreement, which speaks to the commitment of the parties involved."

It provides for a laundry list of restoration activities and also allows for Rush and Lee Vining Creeks to once again become the "world-class" fisheries *Field & Stream* magazine said they were in the 1930s.

"While the conditions of these Mono Lake tributaries have improved since their low point in the early 1980s, more work needs to be done to create lasting improvements" said CalTrout Executive Director Jeff Thompson.

When asked if he was happy with the new agreement, Richard May, CalTrout's President during the initial phases of the Mono Basin fight, said, "Sure I am. I'm fine with the idea of world-class brown trout fisheries in Rush and Lee Vining. I'm even happier with the precedent we set, that 5937 is the manifestation of the public trust doctrine when it comes to the operation of dams in California, like in the San Joaquin River."

The CalTrout press release from August 27, 2013 reads:

*The settlement agreement lays out the details of a plan to implement several actions, including a significant investment in upgrading Grant Dam and the subsequent delivery of long-term flows, an extensive monitoring program, oversight and bringing to closure earlier requirements stemming from the 1994 decision and subsequent Restoration Orders from the State Water Resources Control Board (SWRCB).*

What it doesn't say is that this agreement may signal the end of one of California's most-significant environmental battles.

In the 1980s, the idea that a pair of relatively small conservation groups like CalTrout and the Mono Lake Committee -- backed by the National Audubon Society -- could challenge the all-powerful Los Angeles Department of Water and Power seemed unthinkable. Yet decades later, the victory for Mono Lake -- and the state's fishermen -- appears to be at hand.

Richard May, a witness to both the beginning and the end of the fight, said simply "After all these years, it's gratifying. It's really gratifying."



Partners in the Mono Basin Agreement speak at the celebration

## Hat Creek Restoration Project Update

Last fall, Caltrout secured the Hat Creek Restoration Project grant award. Since then, we've been busy finalizing restoration plans, securing permits, and completing key scientific assessments.

We're particularly pleased to report on the completion of two key documents: 1) the Hat Creek Riparian Restoration Plan and 2) the Hat Creek Geomorphic Assessment and In-Stream Habitat Plan. These two reports identify the key issues affecting the ecological health of the Wild Trout Area (WTA) and lay out detailed plans for restoration.

On-the-ground restoration work is currently scheduled to begin in early 2014 with work carrying through to the fall of 2015. The project consists of three primary components: 1) planting over 4,500 native plants, trees, and shrubs 2) restoring 1.5 miles of in-stream habitat, and 3) improving existing recreational trails, parking areas, and restoring the pedestrian bridge at the historic Carbon bridge.



Hat Creek

### Year 1

#### 2013 Finalize Plans (completed)

- Completed hydrology and geomorphology assessments of the sediment issue in Hat Creek; developed recommendations for restoring geomorphic function in the WTA.
- Finalized an in-stream habitat restoration strategy that will re-introduce large tree structures as habitat.
- Professionally surveyed and mapped the entire Wild Trout Area including the flood plain, key cross sections, degraded streambank reaches.
- Completed the Hat Creek Riparian Restoration and Re-vegetation Plan; finalized plans to restore over 5,000 plants, trees and shrubs.
- Launched year one of the Hat Creek Youth Initiative, which provides local at-risk youth with paid summer internships and hands-on ecological education and applied restoration training.



### Year 2

#### 2014 Next Steps

- Secure all final permits and approvals including the California Environmental Quality Act (CEQA), Section 106 of the Historic Preservation Act, the Clean Water Act, Section 1600 of the CA Fish and Wildlife Code (Streambed Alteration Agreement).
- Secure final project approval from PG&E (land owner), the CA Natural Resources Department, and the California Public Utility Commission (CPUC).
- Begin recreation infrastructure improvements including trail restoration, parking area re-location, replacement of the historic Carbon bridge, and interpretive sign plan.
- Begin year one (phase 1) riparian restoration and native plant re-vegetation.
- Begin in-stream habitat restoration (phase 1).
- Continue year two of the Hat Creek Youth Initiative and launch Pit River Tribe workforce training and jobs program.

### Year 3

#### 2015 Complete Restoration and Begin Monitoring Plan

- Complete second year (phase 2) of riparian restoration and planting.
- Finalize construction of all recreation components: trails, signs, parking area, pedestrian bridge installation.
- Maintain and monitor all restoration components: measure plant survival rates, re-plant where necessary, monitor trail erosion and sustainability, monitor in-stream habitat restoration impact, measure geomorphic response to in-stream structure, monitor bank stability, muskrat population estimates.
- Utilize adaptive management to improve in-stream habitat strategy based on year one observations.
- Continue working with DFW on wild trout population estimates to measure success of project over time.

Look for an overview on our website in mid-November of both the riparian planting plan and the geomorphic assessment described above. As always, please feel free to contact Andrew Braugh at [dbraugh@caltrout.org](mailto:dbraugh@caltrout.org) or by phone at 530-926-3768 with questions, comments, or concerns.

## Klamath River Progress

The past year marks significant progress in our efforts to implement the Klamath Agreements (the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement) and remove four dams from the Klamath River.

Federal legislation is required to implement and authorize the Klamath Agreements but since a stalled effort in 2011 by Oregon Senator Jeff Merkley, there had been little progress on this front.

However, on June 20th of 2013, senior Oregon Senator Ron Wyden held a hearing on the Klamath River, taking a firm leadership role and announcing his intent to introduce legislation this Fall. CalTrout and partners rallied to support senior Oregon Senator Ron Wyden's leadership on the Klamath.

Following the hearing, Senator Wyden established a Klamath Task Force to improve three specific aspects of the Klamath Agreements: 1) address Upper Basin (above Upper Klamath Lake) water shut offs and tribal disputes, 2) develop a plan for reducing the rising cost of power that is impacting pumping costs for irrigators and 3) reduce the size of the overall budget. The Senator appointed CalTrout to that Task Force.

CalTrout's role in the collaborative process started in 2000, when PacifiCorp started the dam relicensing process for their Klamath River dams. This process eventually morphed into negotiations in 2006 that led to the 2010 Settlement Agreements.

Over the years, CalTrout has provided technical fisheries expertise to the process, obtained Richard Roos-Collins of the Natural Heritage Institute as our legal representative, and spearheaded local outreach and education about the agreements. Of the 42 signatories to the Agreements, CalTrout is one of the few with an office in Siskiyou County where three of the four dams to be removed are located.

Senator Wyden's leadership is a major step forward to implementing the Klamath Agreements and removing dams by 2020. We will continue to work with Senator Wyden and Klamath Task Force to develop legislation to be introduced in 2013.

## Hanson Russian River Restoration Project

Historically, the off-channel areas of the Russian River flooded periodically in the winter, creating edgewater habitats rich in food resources for fish and wildlife. Today, instead of productive habitat, deep gravel pit ponds full of bass and other warm water non-native predators, remnants of an old mining operation, occupy the middle Russian River's historic floodplain.

CalTrout recently became involved in the Hanson Russian River Restoration Project. The project's goal is to re-establish a stable, periodic connection between the river and its floodplain on the 358 acre Hanson Aggregates property just down stream from the town of Healdsburg. The restored floodplain will provide essential ecological processes that sustain aquatic, riparian, wetland and upland habitats essential to restoring fish (coho, Chinook and steelhead) and wildlife populations. Project partners hope to establish science-based standards for similar river sites.

In the 1990's, the scientific community recommended keeping the gravel ponds isolated from the river due to concerns that juvenile salmonids could become trapped in them and be eaten by bass and other predators. Also of concern was the possibility that high flood flows could breach the unreinforced levees allowing the river to change course into the pits, a destabilizing process known as "river capture." However, study of the site where floodwaters overtop the levees and inundate the ponds nearly every year has shown pit capture to be unlikely, and plans are now in progress to use the gravel in the levees to fill the pits thereby recreating an active floodplain.

A January 2009 symposium hosted by National Marine Fisheries Service and Syar Industries (a gravel mining company with holdings on the Russian River), advanced the river re-connection concept by bringing scientists, land managers, local government and industry together to assess the ecological restoration opportunities associated with the gravel pond reclamation. Research goals were identified to offer direction to researchers, regulatory agencies, planners and land managers seeking alternatives to reclamation plans that are no longer scientifically or ecologically sound.

### Ecosystem Benefits

Restoration of the Hanson property would re-establish native riparian and wetland habitats and essential ecological processes to sustain these habitats to the benefit of threatened and endangered coho, Chinook, and steelhead populations, as well as assemblages of native fish. The site would also provide important breeding and foraging habitat for numerous wetland and riparian-dependent species including

neotropical song birds and California pond turtles. Other potential ecosystem benefits include groundwater recharge, reduced downstream flooding, lower management costs and improved water quality. CalTrout is coordinating the scientific advisory panel for the project in collaboration with The Endangered Habitats Conservancy (EHC), National Marine Fisheries Service, Sonoma County, California Coastal Conservancy, US Geological Survey and California Department of Fish and Wildlife.



Russian River by Jeannie Wallen

## California Ponders Another Water Bond Bill

The existing \$11.14 billion water bond proposal crafted in 2012 is increasingly considered un-passable, and this year both the houses of the Legislature took important steps towards writing and negotiating an alternative bond measure.

In August, both the Senate and Assembly introduced revised water bond proposals: SB 42 by Senator Wolk and AB 1331 by Assemblymember Rendon. The two bills are similar in several areas—most notably the reduction in overall cost of the water bond to \$6.5 billion—but the two bills need to be reconciled into one bill before going to the voters in November of 2014. We anticipate that the Senate and Assembly will work throughout the fall and the early next year in an effort to develop a single water bond proposal that will be capable of success both in the Legislature and on the ballot.

CalTrout recognizes the price tag of a water bond is steep and deserves careful consideration. We also recognize that many of CalTrout's accomplishments are fueled by past voter-approved water

bond funding—most recently in 2006 with the passage of the \$5.4 billion Proposition 84. This current water bond proposal is no different in that it could provide important funding opportunities for our priority projects including: removing four dams from the Klamath River; implementing Integrated Regional Water Management and Planning programs throughout the state; funding floodplain habitat restoration work in the Central Valley (including Knagg's Ranch); and funding fish passage and habitat restoration work for steelhead and salmon along the entire coast of California.

Another issue associated with a new water bond is how it might relate to Governor Brown's proposal to construct water conveyance tunnels around the Sacramento-San Joaquin Delta. The current bond language is mute on that controversial issue but does provide funding for Delta restoration actions. Senator Wolk, who represents a large section of Delta communities where opposition to the tunnels is high, is the primary author of one of the water bond bills. This suggests to us that the water bond is not a precursor to Delta tunnels.

Over the winter months, we will continue to advocate for a water bond that addresses the water needs of California. If a water bond makes it to the ballot in November 2014, it will then be up to the voters to decide.

## Congratulations to our 2013 Photo Contest Winners!

**Grand Prize Winner:** *"Rainbow Trout Catch & Release"* by Michael Brown

**2nd Place:** *"Casting to steelhead on the Lower Feather River"* by Sebastian Vido

**3rd Place:** *"Burney Falls, CA"* by Wyatt Horsley

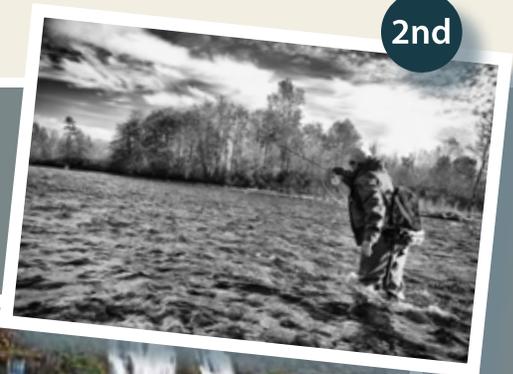
**4th Place:** *"North Fork Falls"* by Phil Reedy

See all the winners at [caltrout.org](http://caltrout.org)

1st



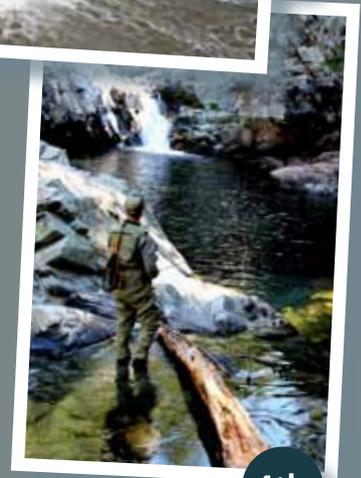
2nd



3rd



4th



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# Streamkeeper's Log

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## CalTrout's 2014 Membership Drive Is On!

Please renew and invite a friend to become a member today.

The financial support of our members has enabled us to achieve great things in 2013 and accomplish a number of important milestones which are highlighted each quarter in the *Streamkeeper's Log*.

Please support CalTrout in 2014 so we can continue our work to protect and restore wild trout, steelhead, salmon and their waters throughout California.

Continue your membership today at [caltrout.org/join](http://caltrout.org/join) or complete the enclosed member envelope.

Receive a package of goodies at the \$35 membership level



Receive a hat at the \$100 membership level



Receive a gear card at the \$50 membership level

