



California Department of
Fish and Wildlife



Memorandum

Date: November 18, 2015

To: Ms. Barbara Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-200

From: **Sandra Morey**, Deputy Director
Ecosystem Conservation Division
California Department of Fish and Wildlife

Maria Rea, Assistant Regional Administrator
National Marine Fisheries Service
California Central Valley Office

Subject: **Request to Re-Adopt Emergency Regulation for Insufficient Flow for Specific Fisheries in Mill, Deer, and Antelope Creeks**

The California Department of Fish and Wildlife (CDFW) has been working collaboratively with NOAA's National Marine Fisheries Service (NMFS) and the State Water Resources Control Board (SWRCB) to address the ongoing drought and its impacts on federal and State-listed fish species in Mill, Deer, and Antelope creeks, all tributaries of the Sacramento River. These creeks contain migration, spawning, and rearing habitat for some of the last remaining naturally-produced populations of State- and federally threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and federally threatened Central Valley steelhead (*O. mykiss*).

CDFW and NMFS provided minimum flow recommendations to SWRCB on Mill, Deer, and Antelope creeks, along with supplemental references, in an e-mail to your office on May 7, 2014, and February 2, 2015. CDFW and NMFS are concerned that emergency regulations in place now will expire while the impacts of extreme drought are ongoing. In order to protect target species, it is imperative that the SWRCB re-adopt similar regulations as soon as possible.

CDFW and NMFS recommend re-adopting SWRCB resolution 2015-0014 with one minor change: combine the adult spring-run Chinook and steelhead base flows. These two species have significant overlap. The current adult spring-run Chinook base flow requirement may not protect the start of their migration, which can start as early as February 20. Likewise, adult steelhead can migrate into June. Combining these base flow periods adequately covers both species.

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If you have any questions, please contact, Curtis Milliron, California Department of Fish and Wildlife, Northern Region Fisheries Program Manager, at (530) 225-2280 or Howard Brown, National Marine Fisheries Service, Sacramento River Basin Branch Chief, at (916) 930-3608.

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