August 2024

State Water Resources Control Board 1001 1<sup>st</sup> Street Sacramento, CA 95814

Re: Proposed Local Cooperative Solution for French Creek

To: Deputy Director Erik Ekdahl

CCR Section 875(f)(4)(B)(2) of the Drought Emergency Regulation "allows for diverters on a tributary to work together to provide a specific fishery benefit, and CDFW finds that the intributary benefits for anadromous fish are equal to or greater than the anticipated contribution to protections provided by the drought emergency minimum flows".

This Local Cooperative Solution (LCS) is being proposed by the French Creek water diversion owners on French Creek, tributary to the Scott River in Siskiyou County. This LCS will provide instream flow at two compliance points on French Creek while providing the first access for California Department of Fish and Wildlife (CDFW) staff to complete fish surveys, complete habitat work, and record water temperatures from the top compliance point to the confluence of French Creek with the Scott River. The Scott Valley and Shasta Valley Watermaster District (SSWD) will provide information regarding water diversion activities that can occur when instream flow requirements are met. Water users who choose to not participate in a French Creek LCS will cease diversion when ordered to do so by the State Water Resources Control Board (SWRCB). The SSWD has coordinated with the active surface diverters on French Creek, Miners Creek, and the Little North Fork French Creek to reach conceptual consensus on the following LCS proposal. Non-participant water diversions will be provided to the SWRCB.

Water right users on the French Creek tributary shall be allowed to divert available water according to the Adjudication priority system as managed by the SSWD<sup>1</sup>, while maintaining bypass amounts outlined in Table 3. The SSWD will continue to manage French Creek on a priority basis as this would create a fair and legal manner to distribute the remaining available waters within the French Creek Adjudication.

#### **Multi-Benefit Rationale**

We believe a well thought-out, localized approach to flow management creates a healthier system for humans, aquatic species, and mammals alike. Surface water users, their livelihoods,

<sup>&</sup>lt;sup>1</sup> The water rights on French Creek are listed in the Judgement and Decree entered on March 6, 1958 in Siskiyou County Superior Court No. 14478, In the Matter of the Determination of Certain Rights to the Waters of the French Creek Stream System in Siskiyou County, California (Adjudication).

and all aquatic species would benefit from proactively monitoring and managing the water available within the French Creek system.

#### **Background**

The waters of French Creek provide salmonids with a healthy summer habitat that the mainstem Scott River does not provide in the hot, dry summers. Voluntary management by diverters and SSWD has greatly assisted in maintaining French Creek's ability to provide a high priority stream system for Coho rearing and summer survival.

The mainstem Scott River often has loss of surface connectivity and degradation of salmonid habitat throughout the Summer (Magranet, L., 2016). Salmonids instinctually notice low flows and warming of water and begin to move into more suitable habitat within the tributaries. The mainstem French Creek and Miners Creek provide proper temperature throughout the summer, crucial for Coho red survival, which needs to be maintained at 18°C (Welsh et al, 2001).

French Creek and Miners Creek are high priority streams for salmonids including State and Federally listed as threatened Coho Salmon. French Creek provides rearing habitat (Magranet, L., 2016), as well as cold water refugia habitat for oversummering Coho Salmon). When flows of the mainstem Scott River were reduced to unhealthy levels in 2014, thousands of Coho juvenile were relocated to upper tributaries (CDFW et al, 2015) including the French and Duck Lake Creeks. During this time the FCC gage ranged from 0.7 cfs down to 0.1 cfs (Magranet, L. 2016 and Graph 1). French Creek has had a long history of supporting salmonid juveniles with a safe summer habitat, while simultaneously supporting water diversion activities. RCD (Siskiyou Resource Conservation District) dive notes conducted at lower reaches of French Creek during the summers of 2018 to 2022 show an extremely high concentration of 0+ and 1+ coho, even in small sections surveyed. This was observed while surface disconnection from beaver dams was present, and while flows in French Creek at the FCC stream gage ranged from 0.70 to 3.6 cfs. The results are collated in Table 1. (RCD Field Notes, 2018–2022)

	9/17/2018	7/3/2019	9/17/2019	7/15/2021	8/18/2021	9/20/2021	7/28/2022	8/23/2022
Flow at FCC	<1 cfs	1 cfs	1 cfs	1 cfs	0.70 cfs	2 cfs	3.6 cfs	3.2 cfs
					Off Channel	Off Channel		
	<b>Below Miners</b>	Below Miners	POD 48 to	POD 48 to	Pond to POD	Pond to POD	POD 48 to	POD 48 to
Location of FC	Confluence	Confluence	Confluence	Confluence	48	48	Confluence	Confluence
Miles Surveyed	0.28	0.28	0.58	0.58	0.1	0.1	0.58	0.58
Temperature	16 °C	13 °C	14 °C	17 °C	18 °C - 15 °C	15 °C - 13 °C	16 °C - 17 °C	17 °C
0+ Coho	944	641	2322	1211	355	177	2160	1046
1+ Coho	no data	18	0	1341	700	190	1862	1529

Table 1. Summary of Dive Surveys Conducted on Lower French Creek 2018-2022.

#### Previous & Current Voluntary Flow Management by Diverters

Since 2014, the French Creek adjudicated water users have voluntarily maintained a minimum of 0.5 cfs at the FCC gage (Graph 1), throughout the irrigation season, June through September, while bypassing larger amounts from January to the end of May. Water users have coordinated with the SSWD and the Scott River Water Trust for implementation of water transactions that benefit both fish and water users. This has been an ongoing approach since 2012 (Table 2).

Table 2.	Redd and	Carcass	Data in	French and	l Miners	Creeks 2011-202.
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Year	20	-21	19	-20	16	-17	14	-15	13	-14	12	-13	11	-12
	Redds	Carcass												
Miners Creek	30	15	23	3	14	7	NA	NA	NA	NA	NA	NA	NA	NA
French Creek	56	14	32	5	21	4	13	7	9	0	2	0	5	8

French Creek water users typically turn on their diversions in the Spring in a staggered approach to avoid sudden decreases in flow that could cause stranding of species close to the water surface along French Creek. This method has been implemented again with the start of the irrigation season in 2024.

Water users in the French Creek Adjudication have the same water right quantity year-round regardless of season. However, many water users choose to cease or decrease their diversion to utilize their water right for instream purposes during critically low flow periods for the purpose of spawning, migration, hydration, and protection of redds, rearing, and habitat. These efforts have been a result of coordination between water users, the RCD, and the Scott River Water Trust and will continue.

#### **Implementation**

The 1958 French Creek Adjudication and Watermaster Service provides for the distribution of the waters of French Creek and its tributaries on a priority basis. The quantity of water available in the stream system is determined by taking point measurements at the various measuring devices for all surface water diversions, as well as measuring the quantity at the French Creek near Callahan (FCC) stream gage near Hwy 3. This LCS would provide a bypass amount that maintains critical habitat in French Creek both up and downstream of FCC throughout the irrigation season.

The proposed bypass amounts will be based on maintaining surface flows sufficient to provide freshwater to the downstream refugia ponds while avoiding fish stranding on the dry river channel of the Scott River. We propose a management plan (Table 3) detailed below, to provide water for fish based on real-time events and conditions. This plan will be managed with prior approval from CDFW and SWRCB.

#### **Compliance Points and Flow Requirements**

We propose establishing a compliance point between Diversion #43 and a location beneath the confluence of Miners Creek and French Creek, known as the Mid-French compliance point (Map 1.) due to the hydrogeologic characteristics of French Creek as it flows into the Scott River Basin.

Pending independent approval of landowners from Diversion #43 to the confluence of French Creek into the Scott River for CDFW access to streams during the duration of the LCS.



Map 1. French Creek watershed with points of significance.

The SSWD believes French Creek flows into the alluvial floodplain, a portion of the water is absorbed into the permeable sediment, reducing the observable surface flow. This phenomenon is known as a "losing stream," where water infiltrates the ground, recharging the groundwater aquifers. The geology of the area, consisting of highly permeable alluvial deposits, plays an important role in the reduction of surface water flow. The presence of these deposits beneath Diversion #43 means that water flow measurements at FCC are not fully representative of the actual water availability upstream.

To address these hydrologic and geologic impacts and evaluate potential loss, two compliance points will be established as per CDFW:

- 1. Mid-French:
  - **Location**: A monitoring location between Diversion #43 and beneath the confluence of Miners Creek and French Creek.

 Purpose: This point is strategically chosen to measure the flow before French Creek enters the highly permeable alluvial floodplain. By monitoring at flows in Mid-French, it is possible to obtain more accurate data on the surface water flow unaffected by the extensive infiltration that occurs further downstream.

### 2. FCC (French Creek at Hwy 3 Near Callahan):

- **Location**: The established compliance point downstream.
- Purpose: FCC serves as a critical monitoring point for understanding how much water remains in French Creek as it passes through the alluvial floodplain. This data is essential for managing water diversions and ensuring that sufficient water is bypassed to maintain ecological functions and downstream water rights.

Date	Bypass Amount (cfs):					
	Mid-French	FCC				
July 1-15	10	7				
July 15-30	7	4.5				
August 1-31	5.5	3.5				
September 1-30	4.5	3				

Table 3. Proposed Bypass Volume as Measured at FCC and Mid-French

#### Proposed Monitoring

The Scott River Water Trust or any other SWRCB-approved coordinating entity will conduct regular monitoring of the French Creek system and will work with the Watermaster and water users to adjust diversions in real-time to ensure that the specified bypass amounts are maintained at the FCC gage and Mid-French compliance points based on real-time needs and conditions.

SSWD will coordinate with CDFW to provide weekly average French Creek flows, from the compliance points at Mid French and FCC. As well as cumulative weekly average diversion flows between the Mid-French compliance point and the confluence with the Scott River.

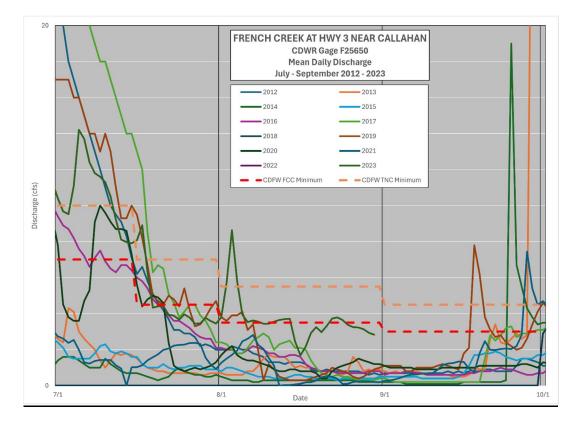
CDFW will conduct weekly fisheries, water quality, and habitat monitoring with a focus of identifying monitoring locations from FCC to the mouth, including the pools at the confluence with the mainstem Scott. Flow, temperature and fish count observations would be collected weekly and submitted to CDFW each Monday from the previous week's survey, from each monitoring location. If isolated pools form downstream of FCC, while meeting flow thresholds at FCC and Mid-French, then temperature measurements will need to be collected in a manner that allows assessment of pool temperature stratification. Fish observations should note the location in the pool of rearing fish, if associated with stratification. CDFW will share data collected, upon request, with the landowners, the SWWD, or the coordinating entity.

#### <u>Access</u>

This LCS provides access for CDFW staff and/or appropriate SWRCB-approved coordinating entity to complete fisheries and habitat monitoring from Mid-French to the confluence of French with the Scott River. CDFW or an approved coordinating entity would identify where the surveys would ideally take place and return weekly to conduct monitoring. Water users may request that CDFW visits are conducted in conjunction with SSWD or coordinating entity staff.

This LCS also requires access for the SSWD to a location between Diversion 43 and Mid-French compliance point. If access cannot be obtained for either the CDFW monitoring or the Mid-French compliance point, the LCS will cease to be valid and water diversion operators will be subject to curtailment if in effect in the Scott River Watershed.

#### <u>Graph 1. Average Daily Flow at FCC July 1 - October 1, 2012 – 2023, with Proposed Bypass</u> <u>Minimum Flow.</u>



#### <u>References</u>

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- California Dept. of Fish & Wildlife et al 2015. Cooperative Report of the Scott River Coho Salmon Rescue and Relocation Effort: 2014 Drought Emergency
- U.S. Fish & Wildlife Service. (n.d.). *Coho salmon (Oncorhynchus kisutch): U.S. Fish & Wildlife Service*. Coho Salmon. https://www.fws.gov/species/coho-salmon-oncorhynchus-kisutch
- Fernald, A. G., & Guldan, S. J. (2006). Surface Water–Groundwater Interactions Between Irrigation Ditches, Alluvial Aquifers, and Streams. Reviews in Fisheries Science, 14(1–2), 79–89. <u>https://doi.org/10.1080/10641260500341320</u>
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- Fisheries, N. (2024, January 17). NOAA Fisheries. https://www.fisheries.noaa.gov/species/cohosalmon-protected/overview
- National Park Service U.S. Department of the Interior San Francisco Bay Area Network Inventory and Monitoring Program Resource Brief August 2011, Coho Salmon: Habitat and Climate Matter, <u>https://irma.nps.gov/DataStore/DownloadFile/511094</u>
- Siskiyou RCD Etna, CA. Siskiyou Resource Conservation District. (n.d.). https://www.siskiyourcd.com/

Siskiyou Resource Conservation District. (2018 – 2022). Dive Survey/Field Notes.

 Welsh, Hartwell H., Jr.; Hodgson, Garth R.; Harvey, Bret C.; Roche, Maureen F. 2001.
Distribution of juvenile coho salmon in relation to water temperatures in tributaries of the Mattole River, California. North American Journal of Fisheries Management 21(3):464-470

#### Common Interest/Confidential/Privileged/Work Product

CALIFORNIA PERAMUAT WILDLIFE State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Northern Region 601 Locust Street Redding, CA 96001 www.wildlife.ca.gov GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



August 15, 2024

Leah Grassman Deputy Watermaster Scott Valley and Shasta Valley Watermaster District 809 Fourth Street Yreka, CA 96097 <u>deputy@sswatermaster.org</u>

#### SUBJECT: CONSERVATION ACTIONS AND BINDING AGREEMENT FOR LOCAL COOPERATIVE SOLUTION FOR THE LOCAL COOPERATIVE SOLUTION FOR THE FRENCH CREEK SUB-BASIN

Dear Leah Grassman, Deputy for the Scott and Shasta Watermaster District:

On December 19, 2023, the State Water Resources Control Board (SWRCB) adopted a Drought Emergency Regulation for the Scott River and Shasta River Watershed for 2024 (Cal. Code Regs., tit. 23, §§ 875–875.9) (2024 Drought Emergency Regulation). Pursuant to the 2024 Drought Emergency Regulation, local cooperative solutions (LCSs) by individuals or groups may be proposed by petition to the SWRCB Deputy Director for the Division of Water Rights (SWRCB Deputy Director) as an alternative means of reducing water use to meet or preserve drought emergency minimum flows, or to provide other fishery benefits in lieu of curtailment. For individual cooperative solutions, the SWRCB Deputy Director may approve a petition where a water user agrees to voluntarily cease diversions or where the California Department of Fish and Wildlife (CDFW) makes a recommendation for an exemption to curtailment based on an assessment that the benefits of the proposed LCS actions to anadromous fish in a specific time are equal to or greater than the protections provided by their contribution to flow under curtailment.

On August 1, 2024, the Scott Valley and Shasta Valley Watermaster District (SSWD) proposed a LCS that includes a commitment to:

 Provide bypass amounts at two established compliance points that maintain critical habitats in French Creek both upstream and downstream of Department of Water Resources operated and maintained French Creek Gage (site code FCC, location: N 41.411747°W -122.858826°).

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Leah Grassman, Deputy Watermaster Scott Valley and Shasta Valley Watermaster District August 15, 2024 Page 2 of 3

- a. Obtain landowner access in Mid-French, defined as a location downstream of the confluence of Miners and French and upstream of Diversion #43, for the purpose of establishing a flow site to be used as one compliance point, referred to as "Mid-French".
- b. Maintain FCC as the second compliance point, referred to as FCC
- c. Provide weekly average French Creek flows from each compliance point.
- 2. Provide landowner access for CDFW staff to perform weekly fish, water quality, and habitat monitoring from Diversion #43 to the confluence with French Creek.
- 3. Provide CDFW cumulatively weekly average diversion flows between the Mid-French compliance point to the confluence with the Scott River.

All of the above measures include monitoring and agency coordination elements, as described in the enclosed binding agreement.

CDFW participated in the development of flow criteria for this LCS as a starting point to gather data and biological information that will inform future flow management discussions, studies, and flow targets aimed at protecting French Creek's population of salmonids. The proposed flow targets in this LCS do not represent CDFW flow standards or recommendations for French Creek for any potential future long-term flow setting process.

CDFW also recognizes the limitations with landowner access. This LCS will only become effective once all landowner access agreements are executed with CDFW for monitoring access and Mid-French compliance point access documentation is submitted by SSWD. If landowner access is not granted for all locations identified in the commitments, this LCS will be terminated. CDFW is requiring access for monitoring at the following parcels:



Attached to this cover letter is a binding agreement with a summary of conservation actions, and CDFW's recommendation of support for your LCS. You have worked closely with CDFW and SWRCB staff to develop this binding agreement that will enable CDFW to be your coordinating entity. I have already signed it. If you agree with its content and terms, please sign and retain one

Leah Grassman, Deputy Watermaster Scott Valley and Shasta Valley Watermaster District August 15, 2024 Page 3 of 3

copy, include one copy with your petition to the SWRCB, and send one copy to: <u>klamathwatershed@wildlife.ca.gov</u>.

CDFW is grateful for your commitment to pursue the conservation actions anticipated in the enclosed and enter into a binding agreement for an LCS. This will be one of several tools available to address the challenges of this ongoing drought to protect native salmon, protect tribal cultural resources, and support local and commercial economies. If you have any questions regarding this letter, please contact Senior Environmental Scientist Supervisor, Crystal Robinson at klamathwatershed@wildlife.ca.gov.

Sincerely,

-DocuSigned by: Jina Bartlett -1D82ADE7303A474...

Tina Bartlett, Regional Manager Northern Region

ec: Leah Grassman, Diego Salido Scott Valley and Shasta Valley Watermaster District <u>deputy@sswatermaster.org</u>, <u>diego@sswatermaster.org</u>

> Erik Ekdahl State Water Resources Control Board - Division of Water Rights <u>erik.ekdahl@waterboards.ca.gov</u>

Paul Gosselin California Department of Water Resources <u>paul.gosselin@water.ca.gov</u>

Alecia Van Atta National Marine Fisheries Service <u>alecia.vanatta@noaa.gov</u>

Tina Bartlett, Michael Harris, Crystal Robinson California Department of Fish and Wildlife <u>klamathwatershed@wildlife.ca.gov</u>



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Northern Region 601 Locust Street Redding, CA 96001 www.wildlife.ca.gov GAVIN NEWSOM, Governor CHARLTON H. BONHAM, Director



# CONSERVATION ACTIONS, BINDING AGREEMENT, AND RECOMMENDATION FOR LOCAL COOPERATIVE SOLUTION

The following binding agreement regarding a local cooperative solution (LCS) is entered into between the California Department of Fish and Wildlife (CDFW) as Coordinating Entity, and the Scott Valley and Shasta Valley Watermaster District (SSWD) (together, the Parties) pursuant to Section 875(f) (4) (C) (ii) of the 2024 Drought Emergency Regulation for the Scott River and Shasta River Watershed (2024 Drought Emergency Regulation).<sup>1</sup> SSWD and CDFW hereby agree to the following:

# RECITALS

- A. Under the 2024 Drought Emergency Regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds and associated curtailment of water diversions, local cooperative solutions (LCSs) by individuals or groups may be proposed by petition to the SWRCB Deputy Director for the Division of Water Rights (SWRCB Deputy Director) as an alternative means of reducing water use to meet or preserve drought emergency minimum flows, or to provide other fishery benefits (such as cold-water refugia, localized fish passage, or redd protection), in lieu of curtailment.
- B. Section 875(f)(4)(C)(ii) provides for an individual or sub-tributary LCS where CDFW makes a recommendation for an exemption to curtailment based on an assessment that the benefits of the actions to anadromous fish in a specific time are equal to or greater than the protections provided by their contribution to flow under curtailment.
- C. Section 875(f)(4)(C)(ii) requires that the diverter(s) enter into a binding agreement with a coordinating entity to perform actions for the benefit of anadromous salmonids.
- D. SSWD has requested that CDFW serve as the Coordinating Entity.

<sup>&</sup>lt;sup>1</sup> California Code of Regulations, title 23, sections 875–875.9.

## SECTION 1 PROPOSED LOCAL COOPERATIVE SOLUTION AND CONSERVATION ACTIONS

On August 1, 2024, SSWD proposed a LCS that includes a commitment to:

- Provide bypass amounts, see Exhibit A Table 1, at two established compliance points that maintain critical habitats in French Creek both upstream and downstream of Department of Water Resources operated and maintained French Creek Gage (site code FCC, location: N 41.411747<sup>o</sup>W -122.858826<sup>o</sup>).
  - a. Obtain SSWD access in Mid-French, defined as a location downstream of the confluence of Miners and French and upstream of Diversion #43, for the purpose of establishing a flow site to be used as one compliance point.
  - b. Maintain FCC as the second compliance point.
  - c. Provide weekly average French Creek flows from each compliance point.
- 2. Landowner access for CDFW staff to perform weekly fish, water quality and habitat monitoring from Diversion #43 to the confluence with French Creek.
- 3. Provide CDFW cumulatively weekly average diversion flows between the Mid-French compliance point to the confluence with the Scott.

As part of this binding agreement, SSWD is required to adhere to the proposed conservation actions, as submitted to CDFW and approved by the SWRCB.

As part of this binding agreement, SSWD is additionally required to submit documentation to CDFW demonstrating that SSWD has Mid-French compliance point access.

## SECTION 2 CDFW DETERMINATION OF EQUAL OR GREATER ACTION FOR THE BENEFIT OF ANADROMOUS SALMONIDS

CDFW has determined that this LCS provides equal to or greater actions for the benefit of anadromous salmonids compared to the protection provided by SSWD's contribution to flow described in section 875, subdivision (c)(2). The cumulative SSWD conservation actions represent obligations above prior commitments, provide instream benefits, data collection, and monitoring actions appropriate to this drought emergency.

The proposed flow targets do not represent CDFW flow standards or recommendations for French Creek for any potential future long-term flow

setting processes. However, information gathered from the flow targets in conjunction with fisheries and habitat monitoring will inform future instream flow discussions and management actions. The SSWD is active in community conversations and this LCS will provide important data to inform future watershed improvement efforts and community-based conservation. CDFW is recommending an exemption to curtailment for the French Creek water users under the SSWD based on the following:

1. The instream contributions defined in items 1-3 above in consideration of SSWD's full portfolio of adjudicated water rights;

2. A commitment in this LCS to coordinate with NOAA Fisheries, the State Water Board, the Regional Water Board, and CDFW in data sharing and access for CDFW monitoring.

SSWD has prepared a petition to the SWRCB in consideration of this agreement (Petition) (Exhibit A). CDFW, as Coordinating Entity, has reviewed the Petition and agrees that the Petition accurately reflects, and is not in conflict with, any provisions in this LCS.

# SECTION 3 TERM

The term for this binding agreement is effective once all landowner access agreements are executed with CDFW for monitoring access (as described in Section 5) and Mid-French compliance point access (as described in Section 1) documentation is submitted by SSWD to CDFW. Once effective, this binding agreement is valid while the 2024 Drought Emergency Regulation remains in place. By signature, both parties agree and memorialize CDFW as the Coordinating Entity for this binding agreement.

#### SECTION 4 MONITORING AND REPORTING

<u>4.1:</u> CDFW representatives will exercise CDFW's monitoring obligations defined in this LCS.

<u>4.2:</u> Written irrigation logs for water dedication and any photos, checklists, and other documentation for the conservation actions incorporated by reference will be transmitted by the SSWD via email to the Klamath Watershed Program at <u>klamathwatershed@wildlife.ca.gov</u>. This information for each month shall be transmitted within the first 7 calendar days of each calendar month.

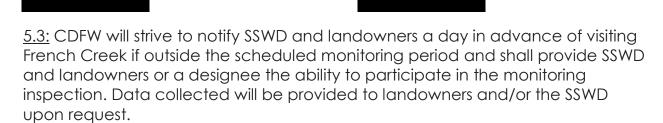
<u>4.3:</u> CDFW will submit the information regarding the verification materials and actions described in this agreement and the conservation plan incorporated by

reference herein, to the SWRCB upon request, for the purposes of verifying compliance with the LCS.

#### SECTION 5 ACCESS

5.1: For the duration of this binding agreement, SSWD and landowners shall give CDFW and CDFW agents the right to reasonably access the included parcels for the limited purpose of verifying execution of the conservation actions. CDFW shall provide a minimum of 24 hours advance notice to the SSWD and landowner and shall obtain approval from the SSWD and the landowner prior to entering French Creek. CDFW shall develop a schedule to access the parcels on a weekly basis for monitoring purposes. Loss of access by CDFW to any parcels identified in Section 5.2 or the SSWD upper compliance point shall immediately terminate the LCS.

5.2: Specific monitoring parcels CDFW requires for this LCS include:



# SECTION 6 AMENDMENT

It is recognized that as the irrigation season unfolds, there may be reason to change the terms of the conservation plan or this agreement regarding its implementation and verification. Any such changes to the conservation plan or binding agreement will need to offer continued compliance with the 2024 Drought Emergency Regulations and shall be agreed upon by both parties as well as the SWRCB.

#### SECTION 7 TERMINATION

Notwithstanding landowner access requirements identified in Section 5.1, this binding agreement may be terminated by either party with 30 days notice. CDFW will only terminate the agreement if SSWD is not cooperating with the terms of this binding agreement (e.g., , is not reporting, etc.). Both parties agree to take reasonable measures to resolve any concerns related to performance of

the conservation plan, negative human interaction, or any other unforeseen circumstance prior to invoking termination.

#### SECTION 8 ADDITIONAL FUNDING

This binding agreement is not intended to preclude, harm, or otherwise interfere with SSWD's ability to secure any funding to mitigate the financial impacts imposed by the emergency regulation or proposed conservation practices. CDFW supports use of funding programs to ameliorate the costs of implementing the conservation practices described in the proposed conservation plan. Planning and cooperation under a voluntary LCS should not undermine the ability to receive such funding.

#### SECTION 9 REPRESENTATIVES

All inquiries may be directed to the following representatives:

California Department of Fish and Wildlife						
Michael Harris						
<u>klamathwatershed@wildlife.ca.gov</u>						
(530) 410-5334						

Scott and Shasta Watermaster District Rod Dowse <u>roddowse@gmail.com</u> (530) 598-1253

SSWD and CDFW shall inform each other in writing of any changes to representatives.

#### SECTION 10 TRANSMITTAL OF COPIES

The SSWD shall include one signed copy with its Petition to the SWRCB, return one signed copy to CDFW, and retain a signed copy of this binding agreement and the conservation plan readily handy at its residence in the event any questions arise for either party during implementation or monitoring.

#### **EXHIBITS**

Exhibit A – Petition to the SWRCB

#### Authorized SSWD Signature

Date signed: \_\_\_\_\_

#### Authorized Cooperating Entity Signature

—DocuSigned by: Jina Bartlett

\_Date signed: \_\_

CDFW Regional Manager, Northern Region 1

## <u>Exhibit A</u>

# Table 1 French Creek Local Cooperative Solution By-Pass Flow Table for 2024

Date	By-Pass Flows				
	Mid-French	FCC			
July 1-15	10	7			
July 15-31	7	4.5			
August 1-31	5.5	3.5			
September 1-30	4.5	3			