Salmon Narrative Doubling Objective

Position of the
State Water Contractors

October 27, 2004

- State Water Contractors participated in the SWRCB workshop in 2001
- In general, SWC support the position of CDFG described in the draft Staff Report:
  - Reviewing the narrative salmon objective is not necessary at this time
  - Concur that ongoing monitoring and restoration programs are being evaluated for their effects
- Also believe ongoing restoration efforts undertaken through CALFED and other programs *are working* and that the narrative objective *is* being achieved

- Most recent CDFG data indicate:

1. Doubling of natural production already achieved for **fall-run** – for each of the last 4 years

2. Doubling of **late fall-run** achieved in 1999 and 2002

3. **Spring-run** data show a consistent upward trend since 1994 – with doubling of natural production achieved in 1998

4. **Winter-run** doubling not achieved yet. But progress being made to the point that NOAA Fisheries is now recommending (Fed. Reg. 6/14/04) that the listing of winter-run be downgraded from **endangered** to **threatened**

- The SWC support NOAA position that winter-run listing be downgraded and have submitted comments to NOAA Fisheries supporting that position

- SWRCB *did not* take the position in 1995 WQCP that salmon doubling must occur through water quality measures alone

  - That issue is currently being litigated by the Golden Gate Audubon Society and others before the 3rd DCA
  - Revising minimum flow requirements to attempt to achieve salmon doubling by flow alone is:

    1) Inconsistent with the current objective;
    2) Inconsistent with the position *successfully* taken by the SWRCB before the courts;
    3) Not practical – the SWRCB recognized in 1995 that salmon doubling is *not* likely to be achieved by flow alone;
    4) No epiphany since 1995 sufficient to change that view. If anything success with habitat restoration measures confirms that measures *in addition to flow*, are appropriate

- SWRCB in 1995 WQCP also *did not* attempt to set an objective of doubling for each race of salmon on each river system and each tributary

  - Also an issue before the courts reviewing D-1641

  - The SWRCB has taken – and successfully defended – the position that neither federal nor state law requires a doubling of each race on each stream

- Doubling by river/stream and race is not required by CVPIA § 3406 (b)(1) which speaks only to implementation of a program to double natural production "…of anadromous fish in Central Valley rivers and streams…"

  - It does *not* say "each race of each anadromous fish"
  - It does *not* say "every river and every stream"

- The existing narrative doubling objective is consistent with federal law and with state law

- Most importantly, the existing narrative doubling objective is *working*

  - Natural production of 2 of the 4 races of salmon has already doubled (fall-run and late fall-run)
  - Consistent upward progress made on third race (spring-run)
  - NOAA proposing to downgrade the listing of the 4th race (winter-run)
  - Overall, salmon in-river production for all races is already doubled

- In 1995 WQCP/D-1641, SWP/CVP were required to reduce exports by
  - > 325,000 acre feet on average *every year*
  - By 750,000 acre feet on average in *critical* years
- The best available data show the narrative objective is *not* broken, but is working

As CDFG has already told the SWRCB, the narrative objective does not need to be reviewed or changed