Saving salmon

By BARBARA TANNENBAUM

As news spreads of this season’s collapse of the Pacific Coast salmon fisheries, a group of three Marin-based organic farms in the Pine Gulch Watershed are positioned to win approvals from state and county agencies for a unique water conservation plan that supports agricultural production while improving conditions for salmon.

Complete closures
Salmon fisheries off the coasts of California and Oregon typically have been large, averaging more than 800,000 chinook caught per year from 2000 to 2005. But the Pacific Fishery Management Council has approved a complete closure of commercial and sport chinook fisheries in California and most of Oregon and is allowing only 9,000 hatchery cohos from fisheries in central and southern Oregon.

At issue is the need to alter the riparian water rights held by Star Route Farms, Paradise Valley Farms and Fresh Run Farms of Bolinas to appropriative rights. These farms draw water from the Pine Gulch Creek, a 7.5-square-mile watershed that begins in the federally protected Point Reyes National Seashore and runs through privately owned property before flowing out to Bolinas Lagoon in West Marin. The riparian rights enable these farmers to divert water from their creeks as needed during the dry summer-growing season and store it for no more than 30 days.

Solution for farmers
The proposed plan, called the Pine Gulch Creek Watershed Enhancement Project, would clear the way for these farmers to build storage ponds to hold water from Pine Gulch Creek. With the ability to appropriate this water for a period of six months, the farmers would divert creek flow during wet winter months in order to leave the creek at its fullest level during the dry months of summer when the endangered coho salmon and steelhead trout spawn.

The plan has won support from farmers, environmentalists and local politicians. “This is a groundbreaking approach to protecting our agriculture and our fisheries along the coast,” says Steve Kinsey, a Marin County supervisor who helped spearhead the effort more than eight years ago. “The concept of converting riparian to temporary, seasonal appropriative rights has never been tried before. If adopted, we’ll have a new strategy for helping the fish survive without making it come at the farmer’s expense.”

Tannenbaum is a San Rafael writer.

Key Points

- Pacific Coast salmon fisheries are experiencing historic closings.
- Marin-based farms seek a plan that supports agriculture and salmon.
- The Pine Gulch Creek Watershed Enhancement Project is a new concept.

NO FISHING: Declining salmon numbers has led to some of the most restrictive fishing limits in history for the West Coast.

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MARIN-BASED farmers in the Pine Gulch Watershed have been working to obtain the necessary permits to build creek water storage ponds. The ponds will store water diverted from the Pine Gulch Creek in the wet winter months for use in the dry summer months, conserving water and improving salmon conditions during the spawning season.

This eight-year effort has required the work and stamina of, well, a salmon swimming upstream to spawn. However, this winter, the farmers won a number of important victories from federal, state and county agencies.

**Final steps**

Most significant, according to Barry Epstein, the Oakland-based attorney for the project, was the recent $275,000 grant issued by the California Coastal Conservancy to the Marin Resource Conservation District to prepare final engineering designs and permits for the water storage ponds.

“It’s expensive to obtain these rights,” says Epstein. “But we’ve now applied to the California State Water Board for the final permit. While they do have a backlog, I predict we are only two years away from building these ponds.”

“I have no problem with the wait,” says Warren Weber, owner of Star Route Farms. Started in 1974, Star Route is one of Marin’s oldest certified-organic row-crop farms. “This is a good project. It’s about finding a balance. We’re going to make a positive impact on the overall health of the watershed without sacrificing our production of food.”

Weber, Peter Martinelli of Fresh Run Farms, and Dennis and Sandy Diers of Paradise Valley Produce were first approached in 2000 by biologists from Point Reyes National Seashore.

**Key Points**

- After eight years, farmers obtain needed permits to build storage ponds.
- California Coastal Conservancy issues $275,000 grant to prepare final designs.
- Plan allocates water for both farmers and wildlife in Pine Gulch Watershed.

“We live in a unique watershed,” explains Martinelli. “Our closest neighbor is the National Park Service. They oversee the upper two-thirds of the Pine Gulch Watershed.”

At that time, the park service sought to improve the habitat for steelhead trout and to reintroduce coho salmon into the Pine Gulch Creek.

“We had very cordial relations,” says Martinelli. “They wanted to study the creek and restore the salmon run, which had been here more than 100 years ago. They proposed the first version of this water conservation plan.”

The first plan proposed by the NPS biologists required a much smaller amount of water to be stored during the dry season. However, in 2002, the legal status of the coho salmon moved from “threatened” species to “endangered.”

**No more pumping**

FEDERAL judge has invalidated a water plan that would have allowed more pumping from the San Francisco Bay Delta at the expense of five species of protected salmon and steelhead trout.

The ruling comes in the wake of federal fisheries managers’ unprecedented April 10 decision to cancel this year’s salmon-fishing season.

**Second setback**

The decision is the second time the court has ruled that water export plans would harm the threatened estuary. In his opinion, Judge Oliver W. Wanger relied on the National Marine Fisheries Services’ own finding that diverting water from the bay delta was killing huge numbers of salmon. He said, “This morbid projection is inconsistent, if not irconcilable,” with the agency’s opinion that the project operations did not jeopardize the survival of the fish. He also faulted the agency for not analyzing the effects of global warming on the fish, calling that failure “arbitrary and capricious.”

In addition, the court cited NMFS findings that “current operations result in the loss of 42% of the juvenile winter-run chinook salmon population, and proposed project effects are expected to result in an additional 3% to 20% loss of the juvenile population.” NMFS also found that proposed water project operations would kill as many as 66% of Central Valley steelhead and 57% of juvenile spring-run chinook salmon — likely leading to the eradication of the spring-run salmon in the Sacramento River and steelhead in the Central Valley. These findings, the court ruled, are the “diametric opposite” of the finding that the projects would not jeopardize listed salmon species.

**Why steelhead, coho are focus**

THE National Park Service is concerned about the future of steelhead trout and coho salmon. These fish are both “anadromous” species, which means they are born in freshwater streams, migrate to the ocean for most of their adult lives, and return to their native streams to spawn.

In 1996, steelhead trout and coho salmon were listed as “threatened” under both the federal Endangered Species Act and the California Endangered Species Act. “Threatened” includes any species that likely will become endangered within the foreseeable future.

Coho’s status was upgraded to “endangered” on both ESA and CESA lists in 2005. “Endangered” includes any species that is in serious danger of extinction.

— Barry Epstein, Fitzgerald Abbott & Beardsley, Oakland

**2004 plan challenged**

The plaintiffs challenged a 2004 long-term water plan known as the Operating Criteria and Plan that would have allowed increased exports south of the delta by reversing many of the decade-old protections credited with saving endangered winter-run chinook salmon from extinction, including relaxing cold-water flow requirements and eliminating nearly half of the available spawning habitat in the Sacramento River.

These operational changes correspond with significant declines in chinook salmon populations since 2004.