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Re: California Salmon Strategy for a Hotter Drier Future Report

Dear Hon. Governor Newsom,

Thank you for releasing the *California Salmon Strategy for a Hotter Drier Future* report. Salmon are dying at alarming and unprecedented rates and some species are facing extinction. As such, it is imperative - now more than ever - to have an actionable plan that addresses the needs of California residents, Indigenous tribes, and the environment we all love and live in together. We welcome the focus on dam removal and restoration actions and thank you for it; however, this plan has some glaring omissions when it comes to the most important issues for salmon and clean water. Simply put: without clean and abundant water, salmon cannot make it home to the restored habitats, and thus, that habitat can not be useful. Furthermore, not receiving flows when needed and/or failure to control pollution, can undermine years of recovery and millions of dollars in investments in habitat restoration. Without protections for instream flows and temperatures, Sites Reservoir, the Voluntary Agreements, the Delta Conveyance Project (Delta Tunnel), the operation of the Central Valley Project, and the State Water Project threaten salmon's water supply and could lead to salmon extinction in Delta watersheds and the San

Francisco Bay. If the plan is to succeed, it must set instream flows and temperature protection as the number one priority. Restoration cannot be successful without water.

The Salmon Strategy incorporates components that we consider critical for success. For example, the plan has a focus on North Coast watersheds, the Upper Sacramento region, dam removal, and habitat restoration. It also includes Tribes and intertribal organizations leading on restoration projects in salmon stronghold areas (Examples of strongholds include the Smith River; the Klamath River and its tributaries including the Salmon, Scott, and Shasta rivers; certain North Coast coastal watersheds like the Mattole River and South Fork Eel River; the McCloud River headwaters; and, in the Sacramento River region, tributaries such as Mill, Deer, Antelope, Battle, and Butte creeks). It does however fail to prioritize setting instream flows, temperature protections, and controlling fish killing pollution in some watersheds.

We were pleased to see some beneficial decisions made in regards to salmon and habitat health along the Scott and Shasta River. For example, CDFW executed contracts with Scott River basin alfalfa growers to forgo pumping of groundwater to augment flows for coho and Chinook salmon. The State Water Board also acted on a petition from the Karuk Tribe, and began consideration of an emergency regulation to set emergency minimum flows for the Scott and Shasta rivers and an evaluation of long-term strategies for these salmon strongholds.

We appreciate the focus on setting instream flows for the Scott and Shasta rivers, but we need these instream flows to be restoration flows and to be mandatory rather than targets. The focus on local solutions without a backstop creates a situation where water users can get around flow standards by claiming to use ineffective Local Cooperative Solutions (LCSs). This is what happened in the Scott River watershed during recent “curtailments.” Due to lack of enforcement, metering, and monitoring, and the fact that the majority of farmers greatly exaggerated past water use, the majority of farmers used more, not less water during the 2022 curtailments. We hope as governor you will acknowledge that while local agreements are great in theory, they can only work if there is a regulatory backstop.

The plan also contains beneficial elements for the Eel and Klamath Rivers:

Regulatory Backstops Are Necessary Parts of Restoration Actions and Cooperative Solutions

We commend you for taking these ingenuitive and bold actions to protect and restore river habitats and flows in the Scott, Shasta, Eel, and Klamath rivers. We have asked for some of these actions for years and appreciate your support, especially when it comes to dam removal for the Klamath and Eel rivers, but if the plan is to succeed in reversing salmon extinction, it must focus on setting instream flows, dam removal and not just fish passage, and creating effective pollution control plans for salmon in all strongholds, including those such that have been identified as

critical tributaries in the east side of the Central Valley. The state has an important role to play as a regulator and collaborate in restoration planning and effectiveness.

An example of where the state has played both roles well is in the Klamath. The Water Board's 401 certification process was always a consideration in the Klamath negotiations and helped push PacifiCorp to support the Klamath Hydropower Settlement Agreement. In short the threat of the hammer in the background helped the carrot to work. The recent spring salmon situation in the Sacramento River is an example of what happens when a large-scale restoration effort moves forward without a regulatory backstop to protect flows and water quality. The impact of the loss of the Sacramento River spring salmon during the drought has been devastating.

The state must recognize that the construction of the Sites Reservoir, continuation of Voluntary Agreements, and the Delta Tunnel Project are all nails in the coffin for salmon and will lead to fish being unable to utilize past, current, and future restoration projects. These projects and exclusionary policy decisions will not only destroy critical salmon habitats, but they will further reduce instream flows necessary for salmon survival. The decisions to approve two of these projects were made in a rushed and exclusionary manner, effectively ending Tribal consultation and undermining years of collaborative efforts and state consultation laws.

No Progress Without Needed Flows

Despite the Salmon Strategy's focus on dam removal and restoring critical habitat, it's important to note that restoration does not work without the appropriate flows. While we fully support restoration, dam removal, floodplain restoration and temperature management, in the end, uninundated habitat is not habitat and fish can not make it to dam removal sites without flows at the right time of year. In fact, flows both high and low that are managed for the purpose of withdrawals are harming salmon. Irresponsible agricultural water use, the Voluntary Agreements, Sites Reservoir, and the Delta Tunnel take away from any gains we've made in the Delta watersheds.

Tribes Are Not Being Meaningfully Consulted

The Salmon Strategy details that the state will work with Tribes to conduct restoration and form partnerships, but the Delta Tribes, especially the footprint tribes where the Sites Reservoir and the Delta Tunnels are, and upstream Tribes, have not been properly consulted. The state has even passed fast tracking laws that undermine Tribes' right to consultation. The state cannot work to award more water rights from the Sacramento River and Delta, go against scientifically created flow restoration as part of the Delta plan, and save salmon.

Important Watersheds Are Being Left Out

We are disappointed that (1) the Trinity River, East side Sacramento tributaries such as Butte Creek, and the Delta did not have a greater focus in the Salmon Strategy; and (2) in most cases

instream flows in critical areas where the state has more skin in the game, due to relying on them for the State Water Project and water deliveries, are not addressed in the plan at all. We cannot save salmon without major changes to the State Water and Central Valley Projects, and we cannot save them without reforming the water rights system. The fact is there are more than five times as many water rights as there is water in the Bay Delta Watersheds. Not addressing this issue is leaving critical salmon watersheds dry during critical times.

Agricultural Pollution Needs to Be Addressed

Agricultural pollution is a major issue that was not addressed in the plan, specifically selenium, pyrethroids, copper and nutrients. For instance, agricultural use of fungicides in the Smith River estuary is the main reason salmon populations are dismal in the river, but farmers have no permits for discharge or for the taking of endangered species. In the Delta, pyrethroids have been found to be almost as harmful to Delta Smelt as salinity and flow issues. Dealing with these pollution issues also benefits drinking water quality. These pollution issues do not only impact the salmon and fish, but also the human right to water. For instance farmworkers in the San Joaquin Valley don't have access to clean, drinkable water, but the almond trees that they take care of have all the clean water they can get. In some areas surface water supply tie-ins to local systems are being used to address this issue. Protecting this surface water against pollution would aid in achieving Human Right to Water and salmon protection strategies.

In conclusion, many laws already exist and many processes have been initiated that could make this strategy much more effective. The state has laws against unreasonable use of water and mechanisms to control pollution and provide clean water for fish and residents. The federal agencies are working with the state on a new biological opinion that can consider the need for real recovery. Tribes have traditional knowledge and rights that could help with recovering fish if the state allowed them to exercise these rights and co-manage watersheds. The state has rules pertaining to new water rights and water rights enforcement that could be used to protect salmon and water quality from harmful proposals, like Sites Reservoir and the Delta Conveyance Project.

We ask that the Governor's office support its agencies in setting and protecting instream flows for watersheds, enforcing pollution laws, modifying Water Right Order 90-5, providing temperature protection for the Trinity River, creating and enforcing effective water quality control plans, and letting Tribes exercise their rights and traditional knowledge to help manage watersheds. We need science, not politics, to lead. We also request that you seek funding for the important work to verify and update water rights and set instream flows, along with seeking funding for restoration. We ask that the state immediately begin a process to make conservation a way of life for agriculture that includes land retirement of unsuitable lands and dedication of associated water rights to instream flows. If the state does these things we think the restoration

actions in the Salmon Strategy will be effective and can help save our salmon from extinction and help to restore salmon based cultures and economies.

As the California climate gets hotter, conflagrations more frequent and more intense, and water more commodified than ever, it's critical that we take care of our finned relatives more now than ever. The salmon are depending on it for their survival, along with Native Californians who have depended on them for sustenance and ceremony since time immemorial.

Thank you for considering this letter.

Sincerely,



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A handwritten signature in purple ink that reads "Peter Drekmeier". The signature is written in a cursive style with a large initial 'P'.

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