

# *The Salinas* **Californian**

## **Feds up ante in Salinas River steelhead recovery**

NOAA Fisheries issues plan that will affect agricultural flood control

Dec. 21, 2013

In a move that has the potential to put Salinas River channel clearing on the endangered species list, the federal government has released a steelhead recovery plan that though lacking regulatory authority, will play a key role in determining whether growers will be able manipulate the river channel for future flood control.



A steelhead trout swims in Uvas Creek, a tributary of the Pajaro River. /  
Provided/NOAA Fisheries

Called the Recovery Plan for South/Central California Coast Steelhead Trout, the plan covers an area from Monterey to the Mexican border and aims to protect the species — affectionately known by biologists as *Oncorhynchus mykiss* — that was added to the Endangered Species Act list in 1997 and re-listed again in 2005. The plan was issued Friday by the National Marine Fisheries Service, which is under the umbrella of the National Oceanic and Atmospheric Administration.

Mark Capelli, recovery coordinator for the

South/Central California domain, said the plan is not a regulatory document and it does not spell out regulatory requirements. But it is powerful nonetheless and will weigh heavily on any future hopes of Salinas Valley growers to bulldoze or otherwise clear brush and sediment from the river channel. The practice is meant to increase river capacity during flood stage so as not to wash away crops.

But it also destroys or alters the habitat for steelhead — to what degree is the subject of intense debate in the Salinas Valley — and the feds are taking that very seriously in lieu of a decline of some 27,000 fish in the plan area to less than a few thousand today. The practice has been halted in recent years while state and federal regulators mull what environmental effects the practice has on endangered species and their habitat along the Salinas River, which runs the entire length of this region of the plan's scope.

Here's how the plan carries a big stick: Anytime a river channel is dredged or otherwise cleared, it must have a permit issued by the Army Corps of Engineers, called a 404 Permit. The Corps, or any other

permitting agency, conducts what is called a “biological assessment.” That assessment indicates whether the action will “likely affect” any federally listed endangered species, Capelli explained.



An angler displays a steelhead caught out of the Salinas River in the 1940s. / Provided/NOAA Fisheries

If so, that triggers an automatic formal consultation with NOAA Fisheries, which will then issue a “biological assessment.” If the assessment concludes that the action will kill or — and this is key — “drive the species to extinction *or prevent its ultimate recovery,*” then the action would be in violation of the Endangered Species Act, Capelli said.

“No one wants to open themselves up to that kind of legal action,” he added. The exception is called an “incidental take” permit. Think of it as a matter of degree: killing a few steelhead but not enough to thwart the species’ recovery. That permit is determined on a case-by-case basis.

And violating the ESA would assuredly draw lawsuits from regional environmental groups. Monterey-based The Otter Project already has filed lawsuits against the Monterey County Water Resources Agency, which is in the process of conducting an environmental study of the channel clearing project.

A call placed to the Water Resources Agency was not immediately returned Friday.

Capelli would not comment on specific actions, such as the Salinas River clearing project, and whether they would run afoul of the Recovery Plan. But in a May letter to Brent Buche, assistant general manager of the county Water Agency, NOAA Fisheries warned that a draft environmental study the agency released for public comment in which the agency said the practice would “have no impact to steelhead migration” was out of sync with NOAA.

“NOAA Fisheries believes the proposed Salinas River Stream Maintenance Project may adversely affect (regional) steelhead and their habitat,” the May 29 letter reads. “In conclusion the (NOAA Fisheries) believes the Stream Maintenance Program is not protective of steelhead and their habitat and is not sustainable.”

If that wasn’t warning enough, the Central Coast Regional Water Quality Control Board issued its own red flag. The plan the county Water Agency proposed in the environmental study indicated there would be no significant impacts to steelhead. The Regional Board begged to differ.

“The Program is likely to result in harm of South/Central California Coast steelhead in the Salinas River due to a decrease in successful spawning resulting from delays to migration,” the board’s May 10 letter reads. Specifically it would increase the velocity of the river that would push against steelhead migrating upstream, and remove natural resting places for the fish.

“What they want to do now is nothing but a variation of what they have been doing,” said Steve Shimek, executive director of The Otter Project. “(The agency) was told back in 2007 that bulldozing into the channel was not acceptable.”

Growers and advocates for the channel clearing program often cite the disastrous 1995 flood that amounted to some \$250 million in crop and infrastructure losses, implying that without clearing the channel, which would increase capacity and lessen the chance of flooding, the area is setting itself up for more disasters.

But Shimek calls that a false alarm. The 1995 flood was so massive, no amount of channel maintenance would have helped.

“At the peak of the flood, there were 92,000 cubic feet a [second] of water coming down the channel,” Shimek said. “That’s 10 times the flow of the Colorado River through the Grand Canyon. Nothing will stop a flood of that magnitude.”

Shimek’s solution is straightforward, and certainly not popular with growers.

“If you don’t want crops and sewer plants flooded,” he said, “then don’t build them in a floodplain.”

Dennis L. Taylor writes environmental issues for The Californian. Follow him on Twitter @taylor\_salnews.