

~~April~~March 2024

State Water Resources Control Board
1001 1st Street
Sacramento, CA 95814

Re: Proposed Local Cooperative Solution (LCS) 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 in-tributary benefits for anadromous fish are equal to or greater than the anticipated contribution to protections provided by the drought emergency minimum flows”.

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. Diversion 23 (TNC) and Diversion 40 and 39 (Michael and Betsy Stapleton) do not wish to participate in this LCS. Their flow will be allocated according to Table 3. The Scott and Shasta Valley Watermaster District (SSWD) has coordinated with the active surface diverters on French Creek, Miners Creek, and the Little North Fork French Creek to reach a conceptual consensus on the following LCS proposal:

Water rights users on the French Creek tributary shall be allowed to divert according to the Adjudication priority system as managed by SSWD¹ (to be provided) while maintaining bypass amounts outlined in Table 3.

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. The surface water users, their livelihoods, and all aquatic species would benefit from proactively monitoring and managing the water available within the French Creek system.

The voluntary initiatives proposed within this plan represent a crucial opportunity for water users to actively enhance stream flow for 2024 while also contributing to data collection for the future efforts. By engaging in these efforts, stakeholders will play a pivotal role in providing valuable insights that can significantly enhance the formulation and implementation of the permanent flow threshold that will soon be under consideration by the State Water Board. Through collaborative data collection, we aim to ensure that decisions regarding water management are based on comprehensive and accurate information, ultimately fostering sustainable practices and enhancing the already thriving ecological integrity of French and Miners Creeks.

¹ 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).

SSWD has determined that the proposed LCS will not result in injury to any other legal users of water.

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 the 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 a 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 habitats within the tributaries. The main stem French Creek and Miners Creek provide proper temperature throughout the summer. Temperatures for Coho red survival need to be maintained at 18 degrees C (Welsh et al, 2001). Temperatures will be addressed in the Siskiyou Resource Conservation District (RCD) Monitoring Plan.

French Creek and Miners Creek are high-priority streams for rearing (Magranet, L., 2016), as well as cold water refugia habitat for the NOAA, ESA-listed Coho species (NOAA, 2005). When flows of the mainstem Scott River were reduced to unhealthy levels in 2014, thousands of Coho juveniles 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 cubic feet per second (cfs) down to 0.1cfs (Magranet, L. 2016 and Table 4). French Creek has had a long history of supporting salmonid juveniles with a safe summer habitat, while simultaneously supporting water diversion activities. The RCD dive note results conducted at lower reaches of French Creek during the summer months of 2018 to 2022 show an extremely high concentration of 0+ and 1+ coho in even small sections surveyed, 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)

Table 1. Summary of Dive Surveys Conducted on Lower French Creek 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
Location of FC	Below Miners Confluence	Below Miners Confluence	POD 48 to Confluence	POD 48 to Confluence	Off Channel Pond to POD 48	Off Channel Pond to POD 48	POD 48 to Confluence	POD 48 to 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

A total curtailment of all surface water users on French Creek at critical season flow quantities would most likely cause a loss of juvenile salmonids due to being flushed into the mainstem Scott River. Coho salmon require protection from high-flow events (NPS, 2011).

Previous & Current Voluntary Flow Management by Diverters

Since 2014, through a verbal Memorandum of Understanding with the California Department of Fish and Wildlife (CDFW), the French Creek adjudicated water users have voluntarily maintained a minimum of 0.50 cfs at the FCC gage (Table 4), throughout the irrigation season of June through September while bypassing larger amounts throughout the remainder of the year. Water users have coordinated with SSWD and the Scott River Water Trust for the implementation of water transactions to manage the French Creek tributary for the benefit of both fish and water users. This has been a successful approach beginning in 2012 (Table 2). All fish count and redd data are found on the RCD website under fisheries monitoring.

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.

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 rights for instream purposes during critically low flow periods for 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.

Table 2. Redd and Carcass Data in French and Miners Creeks 2011-2021

Year	20-21		19-20		16-17		14-15		13-14		12-13		11-12	
	Redds	Carcass	Redds	Carcass	Redds	Carcass	Redds	Carcass	Redds	Carcass	Redds	Carcass	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

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 is performed by the Deputy Watermaster weekly. Once the total available flow is calculated, it is then determined which priority is available for diversion. This LCS contains a provision whereby diversions must completely cease when the total flow available in the stream system decreases to 43-cfs. This means that once the flow recedes to this level, all water diversions participating in this LCS must be curtailed. This LCS is consistent with maintaining critical habitat in French Creek both up and

downstream of FCC throughout the irrigation season. The French Creek gage is located downstream of the lowest water diversion on the stream system. This provides the capability to ensure bypass flow criteria. FCC is operated and maintained by the California Department of Water Resources.

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.

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Table 3. Proposed Bypass Volume as Measured at FCC

Total Flow (cfs)	Bypass Amount	LCS Participants Diversion Amount	Diversions Not Contributing to Bypass (TNC and Stapleton)
(cfs)	(cfs)	(cfs)	(cfs)
2	1.13	0	0.87
3	1.69	0	1.31
4.12	1.99	0.33	1.8
5	1.99	1.21	1.8
6	1.99	2.21	1.8
7.14	1.99	3.35	1.8
8	1.99	4.21	1.8
8.64	1.99	4.85	1.8
9	1.99	5.21	1.8
10	1.99	6.21	1.8
11	1.99	7.21	1.8
12	1.99	8.21	1.8
13	1.99	9.21	1.8
14	1.99	10.21	1.8
15.38	1.99	11.59	1.8
16.59	1.99	12.59	2.01
16.88	1.99	12.88	2.01
17.09	1.99	13.09	2.01

*When the total flow of French Creek recedes to 34 cfs all diversion activity will cease by water users participating in this LCS.

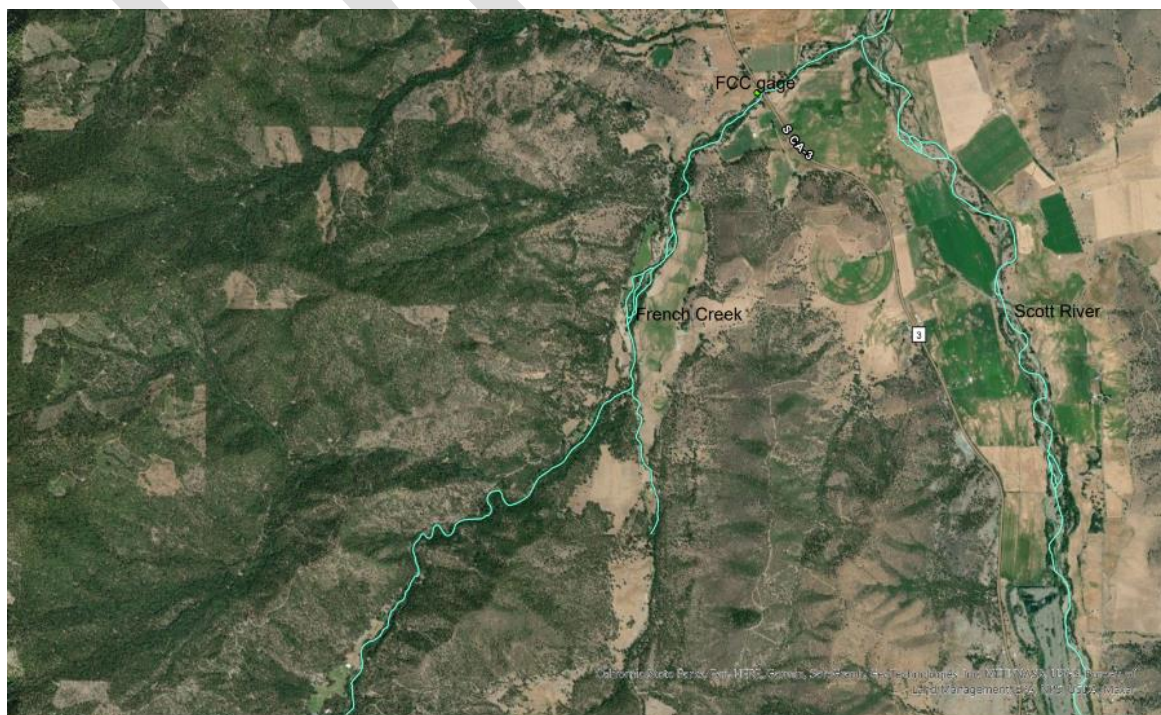
On-ground observation from the Scott River Water Trust indicates that lower flows supported by refugia pools are more beneficial for Coho than higher flows, particularly from July to September. High flow conditions can create a pulse flow that flushes out of French Creek towards the mainstem, where there are typically areas of disconnection, high temperatures, and low dissolved oxygen. For this reason, we believe a locally managed and adaptive plan to be better than the proposed blanket approach that would require curtailment of all diversions from the French Creek Adjudication as outlined in the Emergency Drought Regulations and would very likely cause harm to fish.

Proposed Monitoring

The Scott River Water Trust 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.

Temperature thresholds would be a secondary indicator of water quality monitoring throughout French Creek. Regular monitoring will be performed throughout the mainstem French Creek to retain the health and safety of Coho in cooperation with the RCD using the minimum threshold of 18°C (Welsh et al, 2001) as part of the implementation of the LCS. Coho salmonids rely on the temperature threshold of 18°C. An increased threshold at FCC will be established if the temperature threshold is not met at any point during the irrigation season until the temperature threshold is met. SSWD will collaborate with the Scott River Water Trust regarding the monitoring of biological conditions throughout the French Creek system.

Map 1. French Creek stream system



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