

# Eel River Forum Charter

June 19, 2013

## Regarding

Cooperative Management, Strategic Planning, and Recovery of the Eel River Ecosystem and its Native Fish Populations

### **1. Official Designation of this Group:**

The Eel River Forum

### **2. Description and Purpose:**

The Eel River Forum is a coalition of public agencies, Indian tribes, conservation partners, and other stakeholders with interest in or responsibility for the environmental stewardship of the Eel River. The ERF works collaboratively to:

- Understand the status of Eel River salmonid populations and other native fisheries resources;
- Identify and prioritize recovery issues and challenges;
- Promote specific research, restoration, and monitoring efforts in the Eel River basin; and
- Develop and recommend plans and policies that will promote the recovery of the Eel River ecosystem and its native fish populations.

A CA Department of Fish and Game draft Eel River Action Plan (CDFG 1997) stated “the single greatest need to achieve success in restoring the Eel River salmon and steelhead resources is the formation of watershed cooperative working groups, consisting of both public and private stakeholders, that will develop, promote, and manage the watershed stewardship effort.” The Eel River Forum is intended to fulfill this need.

### 3. Mission

**The mission of the Eel River Forum is to coordinate and integrate conservation and recovery efforts in the Eel River watershed to conserve its ecological resilience, restore its native fish populations, and protect other watershed beneficial uses. These actions are also intended to enhance the economic vitality and sustainability of human communities in the Eel River basin.**

### **4. Background Information**

#### Basin History

The Eel River is the third largest river in California, covering 3,856 square miles, and contains approximately 3,526 stream miles (CDFG 2010). The watershed is renowned for its high sediment loads, large rainfall-induced floods, and large annual water yield. The average annual water yield for the Eel River at Scotia is approximately 5.8 million acre-feet. The December 24, 1964 flood of record at Scotia was 752,000 cfs. Fewer than 100,000 people live in the Eel River basin.

The basin once possessed large populations of Chinook and coho salmon, winter and summer steelhead, and coastal cutthroat trout. In addition, there were small populations of chum and pink salmon and also

spring Chinook salmon. Pacific lamprey and green sturgeon are also recognized as important native species. Historical accounts of the fishery in the Eel River describe excellent recreational salmon and steelhead fishing, and large commercial harvests were taken from the estuary from 1853 to 1922 (CDFG 2010). Fish counts were conducted at Benbow Dam on the SF Eel River from 1938 to 1975, and documented adult Chinook, coho, and steelhead runs ranging between 2,000 and 20,000 fish annually. Recently, the UC Davis Center for Watershed Sciences prepared an historical review of Eel River anadromous salmonids (Yoshiyama and Moyle 2010), which estimated combined annual salmon and steelhead runs in the Eel River exceeded one million adults in good years.

The Eel River ecosystem, its salmon and steelhead populations, and other native fish and wildlife populations have been in decline for the past century and a half since the start of Euro-American settlement in the region. Much of the decline in salmonid abundance may be attributed to loss or degradation of physical and biological conditions in the ecosystem caused by human activities (CDFG 1997), including commercial and recreational fish harvests and cannery operations, several periods of large-scale timber harvest, land conversions for agricultural activities, water developments and diversions, rural and urban residential development, introduction of non-native predatory pikeminnow, and a multitude of additional factors. The Eel River has thus been transformed from one of the most productive river ecosystems along the Pacific Coast to a degraded river with heavily impaired salmonid populations. The commercial fishery has been eliminated, and the recreational fishery has been reduced to a catch and release fishery.

#### Regional Assessments and Documentation

Despite the limited *integration* of Eel River resource information and recovery efforts, there have been numerous individual agency or stakeholder efforts over the past several decades, either within discrete portions of the watershed or focused on specific issues/species. These efforts collectively provide a description of historical conditions along with the major causes of impairments. Those efforts include the following:

- The National Marine Fisheries Service (NMFS) has listed Southern Oregon/Northern California Coast (SONCC) coho salmon (1997), California Coastal Chinook salmon (1999), and Northern California steelhead (2000) as threatened under the federal Endangered Species Act. The public draft of NMFS SONCC Coho Salmon Recovery Plan (NMFS 2012) describes Eel River coho salmon and identifies needed recovery actions. NMFS is preparing a similar plan for Chinook salmon and steelhead which will include the Eel River.
- The California Fish and Game Commission also listed coho salmon as threatened in 2005. The CDFG Recovery Strategy for California Coho Salmon (2004) describes Eel River coho salmon and identifies recovery tasks for populations within the Eel River basin. The CDFG Coastal Watershed Planning and Assessment Program has developed watershed assessments for the Lower Eel and Van Duzen rivers, and is preparing a similar assessment of the South Fork Eel River and Outlet Creek.
- The Environmental Protection Agency (USEPA) has listed all seven sub-basins of the Eel River as impaired on the federal Clean Water Act 303(d) list, primarily for excessive sediment and increased water temperatures. From 1999 to 2007, the EPA and North Coast Regional Water Quality Control Board (NCRWQCB) conducted sediment source analyses and water temperature modeling in support of Total Maximum Daily Load (TMDL) allocations. These allocations have been adopted for each sub-basin, but implementation plans have not been developed. The Regional Board adopted the “Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region” in 2004, and adopted the “Implementation of the Water Quality Objective for Temperature in the North Coast Region” in 2011.

- Pacific Gas and Electric Company (PG&E) owns and operates the Potter Valley Project, which stores and diverts water from the Upper Eel River into the East Branch Russian River. Streamflows released to the Eel River were increased beginning in 1979 for the protection of Chinook salmon and steelhead, as part of the Federal Energy Regulatory Commission (FERC) relicensing process for the project. In 2004, FERC issued an amended project license incorporating the streamflow releases from the Reasonable and Prudent Alternative of the NMFS Biological Opinion (NMFS 2002). In fulfillment of the FERC license and the NMFS Biological Opinion, PG&E conducts a series of annual studies to document the status of fish populations and habitat conditions in the Upper Eel River. Ultimately, the results of these studies will be used to determine the need for changes in project operations to further protect fishery resources.
- The US Forest Service's Six Rivers National Forest and Mendocino National Forest have prepared Land and Resource Management Plans (USFS 1995a, 1995b). The US Bureau of Land Management has prepared Resource Management Plans for Eel River lands in their jurisdiction (USBLM 1992, 1996; USDOI 1994). The BLM has also prepared watershed planning documents for the South Fork Eel, North Fork Eel, and the Van Duzen River, as part of the Northwest Forest Plan implementation.
- Green Diamond Resource Company completed an Aquatic Habitat Conservation Plan (GDRC 2007) and Humboldt Redwood Company has a multi-species Habitat Conservation Plan which includes an Aquatic Conservation Plan as one of its core elements for their timberlands in the Eel River (HRC, formerly PALCO, 1999).
- The UC Davis Center for Watershed Sciences completed a historical review of Eel River anadromous salmonids (Yoshiyama and Moyle 2010). The Center for Ecosystem Management and Restoration (CEMAR) synthesized available information to describe steelhead/rainbow trout resources of the Eel River watershed (Becker 2010).
- The Wiyot Tribe has completed a "Pacific Lamprey of the Eel River Basin: a Summary of Current Information and Identification of Research Needs" (Stillwater Sciences 2010) and is currently working on an Eel River Pacific Lamprey Barrier Remediation Plan and Limiting Factors Model, funded through the US Fish and Wildlife Service.

#### Current Status of Salmonid Populations

The current status of salmonid populations is difficult to estimate for the entire Eel River basin. The NMFS 2011 status review of North Coastal Chinook salmon concluded "The lack of population-level estimates of abundance ... continues to hinder assessment of its status." CDFG currently conducts adult salmonid spawner surveys in Lawrence, Grizzly, Bull, Hollow Tree, Sproul, Outlet, and Tomki creeks. They also operate the Van Arsdale Fish Station (VAFS) at RM 158, 12 miles below Scott Dam at the end of anadromy. CDFG has counted salmon and steelhead at VAFS since the 1920s. Recent abundance trends have been upward (NMFS 2011; CDFG 2012), but best estimates indicate salmonid abundance remains in the range of 1-5% of historical abundance (Yoshiyama and Moyle 2010). Yoshiyama and Moyle's 2010 *Historical Review of Eel River Anadromous Salmonids* concluded that "coho salmon, Chinook salmon, and steelhead are all on a trajectory towards extinction in the Eel River basin, with only winter steelhead being widely enough distributed and abundant enough to persist beyond the next 50 years."

Considerable efforts have been made in recent years by resource agencies, private industries, conservation organizations, and other stakeholders to promote watershed restoration and protect the Eel River's fisheries resources. There have been some encouraging signs of recovery, especially with several strong year-classes of salmon returning to the river. Chinook salmon adult returns at Van Arsdale

Fish Station have exceeded historical returns in each of the past three years (2010-2012); coho salmon counts at monitoring stations in the SF Eel River have remained steady. Looking forward, the Eel River offers a unique opportunity for recovery; with concerted effort and continued restoration work, we have the opportunity to take significant steps toward salmonid recovery and ecosystem protection.

### ***5. Principles, Organization, Participant Roles***

Convener: California Trout (CalTrout) has convened the Eel River Forum and will lead this group and its activities. CalTrout will: provide administrative support and organization for Forum activities (e.g., prepare and circulate meeting agendas; take detailed notes at meetings, prepare meeting minutes); establish Charter Members, membership guidelines and responsibilities, and an objective process for new membership; and seek the advice, direction, and consent of all Forum Charter Members in making recommendations, decisions, and products that advance the Forum Mission and Purpose.

Charter Member Responsibilities: Charter Members shall, upon adoption of this Charter, submit a brief statement describing their organization's interest and motivation in supporting the Mission of the Forum and the protection and restoration of anadromous fish and the Eel River. Charter members or their alternates should attend all meetings consistently or arrange for an alternate to attend on their behalf, should represent their organizations views, and should report back to the organizations they represent. During meetings, charter members should communicate their organization's interests, concerns, and recommendations to the Forum. Forum members are encouraged to allow the opportunity for everyone to contribute by keeping their statements brief and concise, without dominating discussions.

Charter Membership: Individuals or organizations that wish to become a member of the Forum may petition for inclusion by providing a statement of interest to the Forum for vote by the Forum. The Statement should describe their interest and motivation in supporting the Mission of the Forum and the protection and restoration of anadromous fish and the Eel River.

Voluntary Participation: The Eel River Forum is a voluntary organization and has no powers or authorities beyond those already possessed by its member organizations. The agencies, organizations, and interested parties are not obligated to adopt or carry out recommendations of the Forum, but will give due consideration to reasonable recommendations. Forum meetings will be open to the public to ensure transparency. Members of the public will have an opportunity to comment at a designated time during the meeting.

Meeting schedules/Agendas/Minutes: The Forum shall convene approximately once per month or as agreed among the participants. Draft agendas and meeting minutes will be prepared by the Convener in collaboration with the Forum, and will be circulated in advance of meetings for review and comment.

Decision-Making: The Eel River Forum's recommendations will be more persuasive if they reflect a robust consensus. The Forum will make a good faith effort to reach consensus on decisions. However, consensus may not be achievable on all issues. In situations where consensus is not achieved, a simple majority vote will suffice to move the issue forward. Each member organization present at the meeting will have one vote. The nature of remaining disagreement will be clearly documented in Forum records.

Subcommittees: As needed, the Forum may establish subcommittees to focus on specific topics. Subcommittees will continue to adhere to the terms of this Charter, will prepare agendas and meeting minutes similar in detail to those prepared by the Forum, and will report back to the Forum on all activities pertinent to the Mission.

Good Faith: Each party shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the mission and goals of this Charter and the satisfactory performance of its term.

Rules of Conduct:

All Forum members and facilitators agree to:

- Be prompt in arriving and after breaks.
- Stay for the entire meeting.
- Participate, don't dominate. Our interest is in collective problem solving and hearing all perspectives.
- Follow the instructions from the facilitator.
- Assure that all participants are heard and that one person speaks at a time. Refrain from side conversations.
- When appropriate, distinguish between personal vs. organizational perspectives.

**6. Development of Products, Scope of Work, Timelines, Implementation**

The Eel River needs real and concerted *action*. Although the Eel River's salmonid populations appear to be at less immediate risk compared to their southern neighbors, some populations are currently extirpated and continued decline appears to be imminent. Recent data show moderate increases in Chinook returns, indicating that with concerted and coordinated restoration efforts, recovery is achievable.

The initial focus of the Forum shall therefore be: (1) identification of issues the Forum wishes to focus on; (2) prioritization of those issues to achieve a logical working order, and assembly of subcommittees or working groups as needed; and (3) development of strategies and plans to address each issue identified by the Forum. Any plans developed by the Forum should complement but not replicate existing or ongoing watershed and recovery plans.

A preliminary summary of the primary issues (and related topics) the Forum may consider includes the following:

- Streamflows: effect of winter and summer diversion on instream habitat, water right policy, regulation and compliance, water conservation and flow restoration , effects of forest seral stage on low summer streamflows;
- Sediment Impairment: 303d listings, Clean Water Act TMDL development and implementation, forestry and road-related sediment sources, suspended sediment and turbidity;
- Delta and estuary habitat conditions: flooding and sedimentation of bottomlands, land conversion from/to wetlands, tide-gate and levee hydrologic effects on habitat, fish passage, agricultural land uses, practices, and value, delta and estuary habitat restoration;
- Potter Valley Project: understanding current flow release operations and monitoring activities (e.g., flow releases, block-water use); strategizing data collection relevant to eventual FERC relicensing; re-thinking approach to pikeminnow suppression;
- Monitoring: salmonid ESA status and trend of spawning adult abundance, population spatial structure, population diversity, and population life phase survival monitoring, pikeminnow monitoring, water quality monitoring, fish habitat restoration effectiveness and validation monitoring, tributary and mainstem flow monitoring, and funding for any of these efforts.
- Fish passage migration barriers, fish species and life phase migration barrier assessment and project prioritization;
- gravel extraction,

- Research needs: instream flow assessment methods, summer flow losses, summer flow and rearing habitat quantification, pikeminnow suppression effectiveness;
- Data management: need for a centralized spatially based database for reports, documents, information, KrisWeb,
- Water quality: water temperature impairment, nutrients and contaminants, toxic algae;
- Stakeholder communications and collaboration throughout the basin;
- Funding sources and needs.

## **7. Charter Members**

California Trout  
CA Department of Fish and Wildlife  
CA State Parks  
Coastal Conservancy  
Eel River Recovery Project  
Eel River Watershed Improvement Group  
Environmental Protection Information Center  
Friends of the Eel River  
Friends of the Van Duzen River  
Humboldt County Resource Conservation District  
Mendocino County Resource Conservation District  
National Marine Fisheries Service  
North Coast Regional Water Quality Control Board  
Pacific Gas and Electric Company  
Potter Valley Irrigation District  
Round Valley Indian Tribe  
Salmonid Restoration Federation  
Sonoma County Water Agency  
US Bureau of Land Management  
US Fish and Wildlife Service  
US Forest Service  
Wiyot Tribe

## 8. Literature Cited

- Becker, G.S. and Reining, I.J. 2009. Steelhead/rainbow trout (*Oncorhynchus mykiss*) resources of the Eel River watershed, California. Cartography by D.A. Asbury. Center for Ecosystem Management and Restoration. Oakland, CA.
- California Department of Fish and Game. 1997. "Eel River salmon and steelhead restoration action plan." Draft Report. Inland Fisheries Division, Sacramento: 100 p.
- California Department of Fish and Game (CDFG). 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission, Species Recovery Strategy 2004-1. California Department of Fish and Game, Native Anadromous Fish and Watershed Branch. Sacramento, CA.
- California Department of Fish and Game. 2010. Lower Eel River Watershed Assessment. Coastal Watershed Planning and Assessment Program. Department of Fish and Game.
- California Department of Fish and Game. 2011. Eel River Van Arsdale Fisheries Station Annual Report for 2010-2011.
- HRC, formerly PALCO, 1999. Habitat Conservation Plan for the Properties of the Pacific Lumber Company, Scotia Pacific Holding Company, and Salmon Creek Corporation *Under the ownership and management of Humboldt Redwood Company, LLC, As of July 2008*.
- Kamman Hydrology and Engineering (KHE). 1997. Natural vs. Regulated Flow and Temperature Conditions on the Upper Eel River – Lake Pillsbury to Outlet Creek. Report prepared for California Trout, Inc., August 1997.
- National Marine Fisheries Service (NMFS). 2002. Endangered Species Act Section 7 Consultation: Biological Opinion for the Proposed License Amendment for the Potter Valley Project (Federal Energy Regulatory Commission Project Number 77-110. Issued November 26, 2002.
- National Marine Fisheries Service (NMFS). 2011. North-Central California Coast Recovery Domain 5-Year Review: Summary and Evaluation of California Coastal Chinook Salmon ESU Central California Coast Coho Salmon ESU. National Marine Fisheries Service Southwest region. Long Beach, California. 54 p.
- National Marine Fisheries Service. 2012. Public Draft Recovery Plan for Southern Oregon/Northern California Coast Coho Salmon (*Oncorhynchus kisutch*). National Marine Fisheries Service. Arcata, CA.
- North Coast Regional Water Quality Control Board. 2004. "Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region". Resolution No. R1-2004-0087 November 29, 2004.
- North Coast Regional Water Quality Control Board. 2011. "Implementation of the Water Quality Objective for Temperature in the North Coast Region" in 2011. Resolution No. R1-2011-0069, 2011
- U.S. Department of the Interior Bureau of Land Management. 1996. Arcata Planning Area Resource Management Plan Amendment and Environmental Assessment Decision Record. Decision Record, Environmental Assessment. Arcata, CA.
- U.S. Department of the Interior Bureau of Land Management. 1992. Arcata Resource Area Resource Management Plan and Environmental Impact Statement Record of Decision. Record of Decision, Environmental Impact Statement, Arcata, CA.
- U.S. Department of Agriculture and U.S. Department of the Interior. 1994. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. Record of Decision, Environmental Impact Statement, Washington, D.C.



- US Environmental Protection Agency (USEPA). 1999a. Van Duzen River and Yager Creek Total Maximum Daily Load for Sediment. San Francisco, CA. December 1999.
- U.S. Environmental Protection Agency (USEPA). 1999b. South Fork Eel River Total Maximum Daily Loads for Sediment and Temperature. San Francisco, CA. December 1999.
- US Environmental Protection Agency (USEPA). 2002. North Fork Eel River Total Maximum Daily Loads for Sediment and Temperature. San Francisco, CA. December 2002.
- US Environmental Protection Agency (USEPA). 2003. Middle Fork Eel River Total Maximum Daily Loads for Sediment and Temperature. San Francisco, CA. December 2003.
- US Environmental Protection Agency (USEPA). 2004. Upper Main Eel River and Tributaries (including Tomki Creek, Outlet Creek and Lake Pillsbury) Total Maximum Daily Loads for Sediment and Temperature. San Francisco, CA. December 2004.
- US Environmental Protection Agency (USEPA). 2005. Middle Main Eel River and Tributaries (from Dos Rios to the South Fork) Total Maximum Daily Loads for Temperature and Sediment. San Francisco, CA. December 2005.
- U.S. Environmental Protection Agency (USEPA). 2007. Lower Eel River Total Maximum Daily Loads for Sediment and Temperature. San Francisco, CA. December 2007.
- Yoshiyama, R.M. and P.B. Moyle. 2010. Historical review of Eel River anadromous salmonids, with emphasis on Chinook salmon, coho salmon and steelhead. University of California at Davis. Center for Watershed Sciences working paper; a report commissioned by 35 California Trout. Davis, CA. February 1.