



VIA ELECTRONIC COPY

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

April 18, 2022

RE: Low flow closures on the Eel River in Humboldt County

Dear President Murray, Vice President Zavaleta, and Members of the Fish and Game Commission;

We are writing to you today with significant concerns about the proposed adoption of regulatory authority for the Director of the Department of Fish and Wildlife related to low flow closures. Specifically, we are wondering if the intent was to close the Eel River estuary, which we believe has justifiable reasons to be exempt from any low flow restrictions. The section of the river we are concerned about is from the mouth of the river to Fulmor Road, at its paved junction with the south bank of the Eel River.

While we understand the purpose and intent of low flow closures, we do not believe low flow closures in the stretch described above are warranted for the following reasons:

- Salmon conditions and habitat in this section of the Eel River are not poor
- The stretch of river is tidal influenced and drought conditions aren't prevalent
- Water temperatures are cool due to influx of sea water
- Adult wild salmon and steelhead are not confined to pools of cold water. They have the ability to go back out to the ocean if warm water condition became evident
- The estuary is patrolled regularly by wardens reducing the effects of poaching.
- The estuary is 7 miles long and holds too much water for snagging or illegal hooking to be an effective method
- Catch and release of Chinook Salmon is written in the Freshwater regulations

In a conversation with FGC staff and CDFW staff, several justifications were made to warrant inclusion of this stretch of the river among the low flow conditions. However, staff acknowledged that there is very little direct data on the Eel, and that many of the assumptions being made are via extrapolation from scientific studies on other watersheds.


For example, we were unable to ascertain in our conversation some basic baseline data, such as: how many Chinook are caught annually in the estuary? How can the Department calculate a catch and release mortality rate without catch rate? As best we can determine no Eel River specific studies have been done on CR mortality or survival rates.

We also did not get a satisfactory answer as to why the Department is not more insistent about ensuring there are adequate river flows coming from the two dams on the Eel River. California law requires dam operators to maintain necessary flows for fisheries resource management below the dams they operate.

The Eel River is California's third largest watershed and a significant recreational angling spot. The Eel River estuary also supports additional fisheries other than salmon (such as Red Tail perch among others).

We would like to bring this item to the Commission's attention, and ask that they direct CDFW and FGC staff to continue a dialogue with County and the Recreational angling community. We would like to find some other alternatives rather than a closure starting September 1 when flows are below 350 cfs at the gauging station near Scotia that could result in a complete closure of the estuary fishery this year. We look forward to this discussion.

Sincerely,

A handwritten signature in cursive script that reads "James M. Stone".

James Stone
President, Northern California Guides and Sportsmen's Association

Cc: Melissa Miller-Henson, Executive Director, FGC
Chuck Bonham, Director, CDFW