

COASTAL CONSERVANCY

Staff Recommendation
January 21, 2021

Fisheries and Wetland Restoration Planning on the Lower Klamath River

Project No. 20-044-01
Project Manager: Peter Jarausch

RECOMMENDED ACTION: Authorization to disburse up to \$273,337 to the Resighini Rancheria to create a conceptual restoration plan for the Resighini Rancheria property and preliminary designs for several sites within the property to restore fisheries and wetlands on the lower Klamath River in Del Norte County.

LOCATION: Resighini Rancheria, Del Norte County

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Project Area Map](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251- 31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two hundred seventy three and three hundred thirty seven dollars (\$273,337) to the Resighini Rancheria (“the grantee”) to create a conceptual restoration plan for the Resighini Rancheria property and a set of preliminary designs for several sites on the property to restore fisheries and wetlands on the lower Klamath River in Del Norte County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. The names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding and Proposition 1 as the source of that funding.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding the restoration of fish and wildlife habitat within coastal watersheds.
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”
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PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to \$273,337 to the Resighini Rancheria, a federally recognized tribe of Yurok people, to create a conceptual restoration plan for the Rancheria’s property and preliminary designs for several sites on the property to restore fisheries and wetlands on the lower Klamath River in Del Norte County. Restoration of creeks and wetlands in this area will help increase the survival of salmonids in the Klamath River.

The waterways and wetlands on the Resighini Rancheria property are some of the most important winter refugia in the lower Klamath basin for endangered salmonids. Thousands of juvenile coho salmon enter Junior Creek Pond, which is on the Rancheria property, during rains in fall and early winter, including fish tagged in various other Klamath River reaches and tributaries. These fish emigrate to the ocean the following spring after increasing in size considerably, which likely greatly increases ocean survival. Junior Creek connects to the lower Klamath River via Waukell Creek, just west of the Rancheria. Other ponds on the Rancheria property, which only fill when the river floods in the winter, also have potential to serve as off-channel winter rearing habitat for coho salmon. A study conducted by Hillemeier et al. in 2009 states that “any improvements that could be made to maintain longer connectivity at the egress channels to the mainstem river during spring would be beneficial.” The exceptional productivity of Junior Creek pond for coho and other rearing salmonids demonstrates the importance of this Lower Klamath River winter refugia habitat for fish originating from throughout the entire Klamath River Basin- Pit-tagged juvenile coho from as far away as 117 kilometers upstream were detected overwintering in the pond during 2008 studies.

Salmonids play not only an ecologically important role but are also considered a cultural keystone species of the Yurok people, playing a key role in identity, rituals, beliefs, stories, social relationships, and food systems. The Tribe maintains fishing and water rights on the Klamath River that have continued unbroken since time immemorial. Salmon and fishing play an important part of the daily life of Resighini Rancheria tribal members and there is a strong desire to enhance the fisheries through restoration efforts and protection of wetlands.

The high level of coho non-natal habitat utilization on the Resighini Rancheria occurs despite marginal to poor fish habitat in Junior Creek and Pond. Existing conditions reflect a high level of habitat disturbance, with Junior Creek “having undergone extensive channelization in the past” and, “in many areas offers little value to fish migrating upstream due to the lack of instream

habitat structure and diversity” (Hillemeier et al. (2009)). Other obvious degraded instream habitat conditions include areas of extensive bank erosion; multiple culverts both upstream and downstream of the pond that are either no longer or minimally functional, and areas lacking riparian canopy because invasive reed-canary grass has choked out native vegetation. The Junior Creek pond itself is a shallow, manmade feature that was associated with a legacy timber mill in the area. Mainstem Klamath River floodplain ponds, also on the Resighini Rancheria property, have potential to serve as excellent off-channel winter rearing habitat for coho salmon, but will require better knowledge of the groundwater-surface water relationship, and floodplain restoration actions to enhance/provide perennial connectivity between the ponds and the Klamath River. Restoration efforts along Junior Creek would also help lower summer water temperatures, a further benefit to salmonids.

The project will develop a data and tribal community driven fisheries and conceptual wetlands restoration plan for the entire Rancheria property and 30% restoration design sets, including an engineer’s cost estimate and basis of design report for Junior Creek and the Junior Pond/Wetland Complex. The Rancheria wide fisheries restoration plan, as well as the subsequent specific design work will address restoration of wetlands and enhancement of anadromous fish habitats on the Resighini Rancheria that are critical to Klamath River fisheries and other aquatic species. The planning efforts will start by collecting the necessary background information including compiling existing research, hydrologic monitoring & modeling, vegetation mapping, and fish utilization surveys. This information will be presented to the public for input, and Tribal Council will prioritize the restoration sites. Once this has been completed the conceptual restoration plan will be finalized and 30% designs will be developed for a select number of restoration opportunities. This project will position the Tribe to pursue subsequent funding for identified restoration projects, including construction related to culvert replacement, stream rechanneling, invasive species removal and plant revegetation.

The project will directly involve both members of the Resighini Rancheria as well as stakeholders from the appropriate state and federal agencies. The Rancheria is a disadvantaged community and the project will directly benefit that community by expanding tribal capacity for fisheries restoration projects. Once implemented the tribe will benefit from the restored habitat on their lands. It will also provide the Resighini Rancheria a more evident presence in the Klamath Basin in terms of fisheries and water restoration and management. Lastly, it will provide the Resighini Rancheria an opportunity to be involved in this type of work.

Site Description: The Resighini Rancheria lies at the top of the Klamath River estuary in southern Del Norte County, (Exhibit 1), and encompasses healthy mainstem Klamath River riparian habitat and rare ponds that are currently serving as winter refugia for salmon juveniles from throughout the Klamath River Basin. Waterways on the Tribe’s land include Junior Creek and Pond, Waukell Creek, and several Mainstem Klamath River floodplain ponds. The majority of Rancheria land is within the floodplain and includes coastal wetlands habitat (see maps in Exhibit 2). The fisheries and wetlands restoration plan will address all waterways on the Rancheria. This land is held in trust by the Tribe and is within the coastal zone.

Grantee Qualifications: The Resighini Rancheria is a federally recognized tribe of Yurok People, and is thus an eligible grantee for Conservancy funds. The grantee is currently expanding its

Natural Resources Department to tackle more complex fisheries work. It has ongoing funding from the Environmental Protection Agency to conduct water quality monitoring and conduct minor habitat improvements. The grantee will contract with a fisheries consultant who will help guide them through the planning efforts and who will also provide the necessary engineering services.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section below.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section below.
3. **Promotion and implementation of state plans and policies:**
 - a. The *California State Wildlife Action Plan* (2015 Update, authored by California Department of Fish and Wildlife (CDFW)) points out that the North Coast Klamath Mountain Province is known for its extensive river systems and the anadromous fish populations they support. These rivers, according to CDFW, support one-third of the state's Chinook salmon, most of the state's coho salmon and steelhead, and all of the coastal cutthroat trout. These populations have suffered significant declines. That is why one of the fourteen conservation targets for the Province is the "native aquatic species assemblages/communities of coastal watersheds." The project will benefit anadromous fish species including Chinook salmon, coho salmon and steelhead by improving over wintering habitat which results in an increased rate of survival for the fish. This project can help achieve the conservation target pertaining to desired channel pattern, established in 5.1-79 and repeated in 5.1-38 of the North Coast and Klamath Province Chapter of the California Wildlife Action plan.
 - b. The project serves to implement the *Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (Oncorhynchus kisutch)* (National Marine Fisheries Service 2014). Although a federal plan, the State of California is required under federal policy and federal funding requirements to assist in the implementation of the plan.

The highest priority recovery actions include both the construction of off-channel habitats, alcoves, backwaters, and old stream oxbows as well as the re-connection of existing off channel ponds, wetlands, and site channels.

The report prescribes the following recovery strategies and actions that will be addressed by this project (page 18-31):

SONCC-LKR.2.2.8 Reconnect the channel to the floodplain

SONCC-LKR.2.1.1 Increase channel complexity

SONCC-LKR.2.2.2.1 & 2.2.2.2 Identify sites to create refugia habitats and implement off channel restoration projects.

- c. The project carries out the objectives of the *California Water Action Plan*, a collaborative effort of the California Natural Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture. This plan was developed in 2014 to meet three broad objectives: more reliable water supplies, the restoration of species and habitat, and a more resilient, sustainably managed water resources system. It lays out the state's challenges, goals and actions needed to put California's water resources on a safer, more sustainable path. The plan identifies ten overarching strategies to protect our resources, include two particular to this project that the Conservancy funding will help implement: 4) *Protect and restore important ecosystems (restore coastal watersheds and strategic coastal estuaries to restore ecological health and nature system connectivity to benefit local water systems and help defend against sea level rise, eliminate barriers to fish migration)* and 7) *Increase flood protection (encourage flood projects that plan for climate change and achieve multiple benefits)*.

- d. *California @ 50 Million: The Environmental Goals and Policy Report* (2013 Draft, Governor's Office of Planning and Research) Key Action #3 for the "Preserve and Steward State Lands and Natural Resources" section calls for building resilience in natural systems and specifically points out that wetlands "provide important carbon sequestration opportunities for the state." Riparian forests provide excellent opportunities to increase carbon sequestration levels.

- 4. **Support of the public:** See Exhibit 3: Project Letters.
- 5. **Location:** See the "Project Summary".
- 6. **Need:** Without this grant funding, the Resighini Rancheria will not be able to proceed with the project.
- 7. **Greater-than-local interest:** The project helps fulfill the objectives of state and federal species recovery plans and is therefore of greater-than-local-interest.

8. **Sea level rise vulnerability:** The project is located at between 15 and 30 feet in elevation and will therefore not feel direct impacts from predicted sea level rise. In the future tidal influence will be felt farther upstream but this is not expected to degrade the habitat.

Additional Criteria

9. **Urgency:** As the states of Oregon and California prepare for removal of four Klamath dams it is vital that immediate steps be taken to assure the availability of high-quality habitat for salmonids in the lower Klamath River, in order to sustain fish populations while the upper watershed is recovering from the after-effects of dam removal. Of greatest concern will be the release of high sediment loads detrimental to fish populations, and the need for aquatic species to have ready access to tributaries and floodplains that provide a safe haven from water and sediment releases. The proposed project will advance plans to enhance floodplains in the lower Klamath River.
10. **Leverage:** See the “Project Financing” section below.
11. **Readiness:** The grantee is ready to carry out this project. All partners and consultants are prepared to start work.
12. **Cooperation:** The Resighini Rancheria will carry out the project in direct consultation with its members and has included a robust outreach tool as part of the project. They will also consult with the appropriate Federal and State Agencies.
13. **Vulnerability from climate change impacts other than sea level rise:** The project will help mitigate the impacts of more frequent large winter storms by providing slower water refuge for endangered juvenile salmonids.

PROJECT FINANCING

Coastal Conservancy	\$273,337
Project Total	\$273,337

The expected source of Conservancy funds for this project is an appropriation to the Conservancy from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1, Water Code § 79700 et seq.). Funds appropriated to the Conservancy derive from Chapter 6 of Proposition 1 and may be used “for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state” (Water Code Section 79731). Section 79732 identifies specific purposes of Chapter 6 which include: protect and restore aquatic, wetland and migratory bird ecosystems, including fish and wildlife corridors; protect and restore coastal watersheds, including, but not limited to bays, marine estuaries, and nearshore ecosystems; and assist in the recovery of endangered, threatened or migratory species by improving watershed health, instream flows, fish passage and coastal or inland wetland restoration. The proposed project will help achieve these purposes of

Proposition 1 by completing a plan and designs for the restoration of rearing habitat for salmonids and watershed health to benefit endangered fish.

As required by Proposition 1, the proposed project will plan restoration projects that will provide multiple benefits. Those include restoration of off-channel habitat to improve the juvenile salmonid rearing habitat, improving water quality by removing barriers to fish passage, and restoring wetlands to reduce water temperatures to levels suitable for aquatic life.

The proposed project was selected through a competitive grant process under the Conservancy's Proposition 1 Grant Program Guidelines adopted in June 2015 ("Prop 1 Guidelines"). (See § 79706(a)). The proposed project meets each of the evaluation criteria in the Prop 1 Guidelines as described in further detail in this "Project Financing" section, the "Project Summary" section and the "Consistency with Conservancy's Project Selection Criteria & Guidelines" section of this report.

The Resighini Rancheria will provide approximately \$140,000 in staff time and necessary materials as an in-kind match to the project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed authorization is undertaken pursuant to Chapter 6 of Division 21 of the Public Resources Code, as follows:

Pursuant to section 31251, the Conservancy may award grants to public agencies and nonprofit organizations for corrective measures that will enhance natural and scenic values of coastal resources that, because of human-induced events or incompatible land uses, have suffered the loss of natural and scenic values. Consistent with this section, the proposed authorization provides funds to the Resighini Rancheria for planning necessary to enable the enhancement of coastal fishery resources disturbed by incompatible land uses, such as intensive mining, timber harvest and other legacy land uses that have disrupted tributaries to the Klamath River.

Pursuant to Section 31253, the Conservancy may provide up to the total cost of a resource enhancement project. The amount of funding recommended for the project has taken into account the total amount of funding available, the fiscal resources of the grantee, and the relative urgency of the project.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The authorization is consistent with the relevant portions of the Del Norte County Local Coastal Program (DNLCP), which was certified by the Coastal Commission on October 12, 1983. It is due to the diversity in life history patterns of anadromous fish species that the Del Norte LCP acknowledges the importance of coastal streams and riparian vegetation systems as Sensitive Coastal Habitat, necessary to both the aquatic life and the quality of water courses. Under the DNLCP, Chapter VI, the following goals and objectives are identified:

The County shall maintain all existing species of fish, wildlife, and vegetation for their economic, intrinsic and ecological values as well as providing adequate protection of rare and endangered species.” (p. 55)

The County should establish riparian corridors along local streams, creeks, and sloughs to maintain their aesthetic appeal, wildlife habitat, control of erosion... (p. 56)

The County encourages programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of coastal fisheries and other marine resources. (p. 57)

All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters. (p. 58)

The proposed project will prepare plans needed to improve juvenile anadromous fish habitat, thereby enhancing the aquatic resources of the county, and, thus, is consistent with the DNLCP.

CONSISTENCY WITH CONSERVANCY’S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 6, Objective C** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will develop a plan to enhance a coastal watershed.

Consistent with **Goal 16, Objective A**, the proposed project is located in and will benefit a disadvantaged community.

CEQA COMPLIANCE:

The proposed project involves only data gathering, resource evaluation, planning, and feasibility analyses for possible future actions that have not yet been approved or funded. Thus, the proposed project is both statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations title 14, section 15262 and categorically exempt pursuant to California Code of Regulations title 14, section 15306. Section 15262 provides that feasibility and planning studies for future actions that have not yet been approved or funded are statutorily exempt from the requirement to prepare an Environmental Impact Report or negative declaration.

Section 15306 provides that basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource are categorically exempt from the provisions of CEQA.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.