



COUNTY OF PLACER

AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS & MEASURES

JOSHUA P. HUNTSINGER
Agricultural Commissioner/Sealer

11477 E AVENUE, AUBURN, CALIFORNIA 95603
TELEPHONE: (530) 889-7372
FAX: (530) 823-1698
www.placer.ca.gov

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Ed King, Deputy Agricultural Commissioner/Sealer 

DATE: September 1, 2015

SUBJECT: **TEMPORARY MANUAL TRANSPORT OF CHINOOK SALMON OVER
HEMPHILL DAM**

ACTION REQUESTED:

Authorize the Chair of the Board of Supervisors to sign and transmit letters to the California Department of Fish and Wildlife (CDFW) and National Oceanic and Atmospheric Administration (NOAA) requesting they take the lead in facilitating necessary permits, regulatory coverage and supervision of local volunteer groups to implement a temporary salmon transfer project during the fall of 2015, to capture salmon below Hemphill Dam in Auburn Ravine and release them above the dam to access additional spawning habitat.

BACKGROUND:

Nevada Irrigation District's (NID) Hemphill Dam currently impedes anadromous fish passage in Auburn Ravine. The dam lacks a fish ladder or other bypass system and therefore limits access to additional upstream spawning grounds. Local volunteer group Save Auburn Ravine Salmon and Steelhead (SARSAS) estimates that only as many 10% of fish migrating upstream are able to make it over the dam.

The Placer County Fish & Game Commission recently learned that, in March of this year, CDFW notified NID that Hemphill Dam is in violation of Fish and Game Code Sections 5901 and 1602 because it impedes fish passage and substantially diverts the natural flow of Auburn Ravine into Hemphill Canal without prior notification to CDFW (Attachment 1).

Modifying Hemphill Dam to open the upper reaches of Auburn Ravine to migrating salmon is a long-term project that would likely require upwards of five years in planning and permitting. During the commission's July 29, 2015 meeting, SARSAS proposed that the commission make a recommendation to the Board of Supervisors to encourage CDFW and NOAA to implement a temporary project, in cooperation with local volunteer groups, to capture and transport salmon above Hemphill Dam. The commission was supportive of the proposal and followed with a letter of recommendation to your Board on July 29 (Attachment 2). Draft letters are attached for the Board's consideration (Attachment 3).

ENVIRONMENTAL:

This activity does not qualify as a project under the California Environmental Quality Act (CEQA).

FISCAL IMPACT:

This activity will result in no fiscal impact to the General Fund.

RECOMMENDATION:

Authorize the Chairman of the Board of Supervisors to sign letters to CDFW and NOAA asking that they facilitate a temporary project during fall 2015, to manually transport salmon over Hemphill Dam as a means for them access additional spawning grounds

Attachments:

1. CDFW letter to NID dated March 10, 2015
2. Request letter from Placer County Fish and Game Commission dated July 29, 2015
3. Draft letters for Chairman addressed to CDFW and NOAA



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

EDMUND G. BROWN, Jr. Governor
Charlton H. Bonham, Director



BY OVERNIGHT MAIL AND EMAIL

MAR 10 2015

Date

Remleh Scherzinger, General Manager
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945
scherzinger@nidwater.com

Subject: Suspension of Notification of Lake or Streambed Alteration (Notification No. 1600-2014-0270-R2).

Dear Mr. Scherzinger:

On November 3, 2014, the Department of Fish and Wildlife received the Nevada Irrigation District's (NID) above-referenced notification (notification) to conduct maintenance activities on NID's existing Hemphill Dam (dam). As Department staff informed you on March 2, 2015, the Department is suspending processing of the notification pursuant to Fish and Game Code section 1613 for the reasons discussed during a site visit with you on February 10, 2015, and below.

Under Fish and Game Code section 1613, the Department may suspend processing a notification if it determines "the activity described in the notification, or any activity or conduct by the entity directly related thereto, violates any provision of the [Fish and Game Code]." Section 1613 applies in this case for two reasons: 1) the dam violates Fish and Game Code section 5901 because it "prevents, impedes, or tends to prevent or impede the passing of fish up and downstream"; 2) the dam substantially diverts the natural flow of Auburn Ravine Creek into Hemphill Canal, but NID has yet to notify the Department under Fish and Game Code section 1602 for this diversion. The Department understands the primary objective of the project described in the notification is to enhance the passage of anadromous fish at the dam. However, even with the project, the dam will still impede or tend to impede the passing of fish up and downstream.

NID will need to address the problems described above before the Department will continue processing the notification. In the meantime, NID may not proceed with the project described in the notification.

If you have any questions regarding this matter, or would like to meet with the Department in an effort to resolve the issues described herein, please contact Patrick

Nevada Irrigation District
1600-2014-0270-R2
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Moeszinger, Environmental Scientist, at (916) 358-2850 or by email at patrick.moeszinger@wildlife.ca.gov. Thank you for your anticipated cooperation.

Sincerely,



Tina Bartlett
Regional Manager

ec: Patrick Moeszinger
patrick.moeszinger@wildlife.ca.gov

Jennifer Nguyen
jennifer.nguyen@wildlife.ca.gov

Wildlife Officer, Erica Manes
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Lieutenant, John Lawson
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Captain, Mark Jeter
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**COUNTY OF PLACER
FISH & GAME COMMISSION**

Ed King
Deputy Agricultural Commissioner
County Contact

FISH & GAME COMMISSION MEMBERS

DISTRICT 1 Don Gould	DISTRICT 2 Mark Fowler
DISTRICT 3 Gregg McKenzie	DISTRICT 4 Gary Flanagan
DISTRICT 5 Kari Freidig	DISTRICT 5 Marc Wyatt
DISTRICT 5 Mickey Daniels	

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July 29, 2015

Kirk Uhler, Chairman
Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

SUBJECT: Auburn Ravine Salmon Transfer Project

Dear Chairman Uhler:

The Placer County Fish & Game Commission has recently become aware that, in March of this year, the California Department of Fish and Wildlife (CDFW) notified the Nevada Irrigation District (NID) that the Hemphill Dam is in violation of Fish and Game Code Section 5901, (see attached letter to NID from Tina Bartlett, Regional Manager CDFW dated March 10, 2015).

As stated in that letter, Hemphill Dam "prevents, impedes, or tends to prevent or impede the passing of fish upstream and downstream". Furthermore, Hemphill Dam, "substantially diverts the natural flow of Auburn Ravine Creek into Hemphill Canal" and CDFW has not been notified, under Fish & Game Code 1602 of the purpose of this diversion.

In recent years, wild Chinook salmon runs have been restored to a portion of their historic spawning grounds in the Auburn Ravine. However, salmon are currently prevented from reaching a six-mile stretch of prime spawning grounds above Hemphill Dam, east of Lincoln.

Until a permanent resolution to Hemphill Dam has occurred, (which may take several years), local conservation groups have proposed a project to physically move salmon around Hemphill to allow them to spawn in this area. The project would be a collaborative effort between several organizations in the community, avoiding any expense to the Public. These groups include, Save Auburn Ravine Salmon and Steelhead (SARSAS), California Fly Fishers Unlimited (CFFU), Trout Unlimited (TU), Granite Bay Flycasters (GBF), Lincoln Open Space, Wildlife Heritage Foundation and Cramer Fish Studies.

For the project to move forward, the participation of California Department of Fish & Wildlife or National Oceanic and Atmospheric Administration, (NOAA) as a lead agency is required for it to be a legal project.

In addition to citizen volunteers who will provide the labor for the project, wildlife biologists have volunteered their technical expertise. All that is missing is an agency willing to participate.

We urge you to take immediate steps to make it clear to all parties that this is a high priority project and that it is the County's policy to endorse the effort under the Placer County Conservation Plan.

In light of this situation, the Commission is asking for assistance from the Placer County Board of Supervisors as follows: Contact CDFW, NOAA and NID and request they work with local volunteer organizations to implement a temporary emergency Salmon Transfer Project in the fall of 2015 to capture salmon below Hemphill Dam and release them above the Dam so that another generation of Chinook salmon will not be lost. Detailed planning needs to begin in August so that the transfer team will be ready to act in October as soon as the salmon enter Auburn Ravine.

Respectfully,



Mark Wyatt, Vice Chairman
Placer County Fish and Game Commission

Enclosure

CC: Jack Duran, Supervisor, District 1
Robert Weygandt, Supervisor District 2
Jim Holmes, Supervisor, District 3
Jennifer Montgomery, Supervisor, District 5
David Boesch, CEO

County of Placer Board of Supervisors

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PLACER CO. TOLL FREE # 800-488-4308

JACK DURAN
District 1

ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5



September 1, 2015

Maria Rea, Assistant Regional Administrator
California Central Valley Office
National Oceanic and Atmospheric Administration (NOAA)
650 Capitol Mall, Suite 8-300 Sacramento, CA 95814

RE: Manual transport of Chinook Salmon over Hemphill Dam

Dear Ms. Rea:

The Placer County Board of Supervisors is concerned that the Chinook Salmon Migration in Auburn Ravine is being adversely impacted by the Nevada Irrigation District's Hemphill Dam which acts as a fish barrier. The Nevada Irrigation District is aware of the issue and is actively working to develop a solution. However, any solution will take in excess of five years before natural fish passage can occur.

The Placer County Board of Supervisors supports the manual transport of salmon over Hemphill Dam as a way to help them reach prime historic spawning areas, and encourages NOAA Fisheries to coordinate with the California Department of Fish and Wildlife to take the lead in facilitating the necessary permits, regulatory coverage, and supervision of local volunteer groups in order to allow the manual transport of salmon past the Hemphill Dam.

Placer County values the region's native flora and fauna including Chinook Salmon and we thank you for your assistance in this matter.

Sincerely,

COUNTY OF PLACER

Kirk Uhler,
Chairman, Placer County Board of Supervisors

cc: Placer County Board of Supervisors
David Boesch, CEO, Placer County
Nevada Irrigation District Board of Directors
Rem Scherzinger, General Manager, Nevada Irrigation District
Tina Bartlett, North Central Regional Manager, California Department of Fish & Wildlife
Holland and Knight

County of Placer Board of Supervisors

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District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5



September 1, 2015

Tina Bartlett, Regional Manager
North Central Region
California Department of Fish and Wildlife
1701 Nimbus Road
Gold River, CA 95670

RE: Manual transport of Chinook Salmon over Hemphill Dam

Dear Ms. Bartlett:

The Placer County Board of Supervisors is concerned that the Chinook Salmon Migration in Auburn Ravine is being adversely impacted by the Nevada Irrigation District's Hemphill Dam which acts as a fish barrier. The Nevada Irrigation District is aware of the issue and is actively working to develop a solution. However, any solution will take in excess of five years before natural fish passage can occur.

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COUNTY OF PLACER

Kirk Uhler,
Chairman, Placer County Board of Supervisors

cc: Placer County Board of Supervisors
David Boesch, CEO Placer County
Nevada Irrigation District Board of Directors
Rem Scherzinger, General Manager, Nevada Irrigation District
Maria Rea, Assistant Regional Administrator, NOAA Fisheries West Coast Region
Peterson Consulting, Inc.