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For Petitioners California Sportfishing Protection Alliance, Watershed Enforcers, San Joaquin Audubon Society and Committee to Save the Mokelumne

BEFORE THE STATE WATER RESOURCES CONTROL BOARD

Petitioners, California Sportfishing Protection Alliance, Watershed Enforcers, San Joaquin Audubon Society and the Committee to Save the Mokelumne ("CSPA") Respondents, U.S. Bureau of Reclamation, WR Application 18812 Stockton East Water District, WR Application 06522 U.S. Department of the Army, U.S. Army Corps of Engineers, Owner of New Hogan Dam Calaveras County Water District, WR Application 1179A	**PUBLIC TRUST, WASTE AND UNREASONABLE USE AND METHOD OF DIVERSION COMPLAINT** **Calaveras River, Tributary to San Joaquin River thence Bay Delta Estuary thence Pacific Ocean** **Calaveras County, California**

In accordance with the provisions of the California Code of Regulation, Title 23, the California Water Code, and other applicable provisions, the California Sportfishing

Protection Alliance and its Watershed Enforcers project, Committee to Save the Mokelumne and San Joaquin Audubon (hereinafter "CSPA") hereby complain against the U.S. Bureau of Reclamation, Stockton East Water District, Calaveras County Water District and the U.S. Department of the Army as follows:

1. The U.S. Bureau of Reclamation (hereinafter "USBR") has a permitted right under WR Application 18812 to store and divert water from the Calaveras River Watershed. Under WR Application 18812, the storage right is for 325,000 acre-feet of water with a storage season from 11/5 to 5/01 for domestic, irrigation and industrial purposes; and also a direct diversion right of 200 cfs with a direct diversion season from 11/5 to 5/01 for domestic, irrigation and industrial purposes.

2. The Stockton East Water District (hereinafter "Stockton East") has a permitted right under WR Application 06522 to store and divert water from the Calaveras River Watershed. Under WR Application 06522, the storage right is for 11,500 acre-feet of water with a storage season from 11/1 to 6/01 for domestic and irrigation purposes and a direct diversion right of 13.75 cfs with a direct diversion season from 1/01 to 6/15 for domestic and irrigation purposes.

3. The U.S. Department of the Army (hereinafter "COE") is the owner of New Hogan Dam. New Hogan Dam and Reservoir is located on the Calaveras River and is managed and operated under right permits issued by the State Water Resources Control Board (hereinafter "SWRCB") to the USBR, Stockton East and CCWD. New Hogan Dam was constructed in 1964 by the COE. New Hogan Reservoir has a capacity of 323,715 ace-feet with no dead storage.

4. The Calaveras County Water District (hereinafter "CCWD") has a permitted right under WR Application 1179A to store and divert water from the Calaveras River Watershed. Under WR Application 1179A, the storage right is for 11,500 acre-feet of water with a storage season from 11/01 to 5/01 for domestic, irrigation and industrial purposes and a direct diversion right of 30 cfs with a direct diversion season from 11/01 to 5/01 for domestic, irrigation and industrial purposes.

5. Established in 1983, the CSPA is a recognized 501(c)(3) non-profit organization whose mission is to protect, preserve and enhance the fisheries and associated aquatic and riparian ecosystems of California's waterways, including the Calaveras River. This mission is implemented through active participation in water rights and water quality processes, educating and organizing the fishing community, restoration efforts and vigorous enforcement of environmental laws enacted to protect fisheries, habitat and water quality. Watershed Enforcers is a project of CSPA. Members of CSPA/Watershed Enforcers reside along the Calaveras River, enjoy the

benefits of the river's fisheries and have been injured by the actions of the respondents.

6. Established in 1991, the Committee to Save the Mokelumne (hereinafter "CSM") is a 501(c)(3) non-profit organization whose mission is to protect the aquatic and riparian communities of the Mokelumne, Consumes and Calaveras Rivers. CSM has been a party to numerous formal proceedings on behalf of the Mokelumne and Calaveras Rivers. Members of the CSM reside along the Calaveras River, enjoy he river's fisheries and have been injured by the actions of the respondents.

7. Established in the late 1940s, San Joaquin Audubon is a 501(c)(3) non-profit organization dedicated to the appreciation, protection, education and scientific study of birds and wildlife, including fisheries. San Joaquin Audubon has been a party to many actions protecting natural resources. Members of San Joaquin Audubon reside along the Calaveras River, enjoy the river's wildlife and fisheries and have been injured by the actions of the respondents.

8. On 22 March 2000, CSPA submitted a complaint to the State Water Resources Control Board (hereinafter "SRWCB") alleging that the USBR, Stockton East, COE and CCWD had violated the Public Trust and numerous other state and federal statutes and regulations in failing to protect the fishery resources of the Calaveras River. The SWRCB subsequently dismissed the CSPA complaint without prejudice and suggested a complaint could be refilled if conditions warranted. Since that time, degradation of the fishery resources of the Calaveras River has continued unabated.

9. Given the SWRCB's dismissal of CSPA's previous complaint and the failure of the resource agencies to affirmatively submit information regarding fishery impacts on the Calaveras River, CSPA requests that, should the SWRCB not accept and order CSPA's proposed relief described below, the SRWCB schedule an evidentiary hearing following preparation of the requested investigative report.

Statement of Facts and Reasons for the Public Trust, Waste and Unreasonable Use and Method of Diversion Complaint by the CSPA.

10. The Calaveras River watershed sustains fall-run Chinook salmon *(Oncorhynchus tshawytscha)* and their habitat. The management and use of water by the USBR, Stockton East and CCWD under permitted water rights issued by the SWRCB have adversely affected the fall-run Chinook salmon and their habitat.

11. The Calaveras River watershed sustains a remnant population of steelhead trout *(Oncorhynchus mykiss)* and their habitat (Consultation with California Department of Fish and Game (Hereinafter "DFG") and U.S. National Marine

Fisheries Services (hereinafter "NMFS"). In 1998, the Central Valley steelhead Evolutionarily Significant Unit Was listed as "threatened" by NMFS pursuant to the provisions of the federal Endangered Species (ESA). In addition, the Calaveras River and Mormon Slough were listed as critical habitat for Central Valley steelhead trout in February 2000 and September 2005.

Prior to the Construction of New Hogan Dam, some 500 steelhead trout ascended the river to spawn. COE 1981. The management and use of water by the USBR, Stockton East and CCWD under the permitted water rights issued by the SWRCB have adversely affected Calaveras River steelhead trout and their habitat.

12. The Calaveras River watershed sustains a remnant population of spring-run Chinook salmon and their habitat. Prior to the Construction of New Hogan Dam, some 500 spring-run Chinook salmon ascended the river to spawn. COE 1981. The Central Valley spring-run Chinook salmon species have been listed as threatened by the NMFS pursuant to the federal ESA. The management and use of water by the USBR, Stockton East and CCWD under the permitted water rights issued by the SWRCB have adversely affected Calaveras River spring-run Chinook salmon and their habitat.

13. The Calaveras River directly below New Hogan Dam sustains a population of resident rainbow trout. The management and use of water by the USBR, Stockton East and CCWD under the permitted water rights issued by the SWRCB have adversely affected Calaveras River resident rainbow trout and their habitat.

14. The Calaveras River watershed historically sustained a population of winter-run Chinook salmon and their habitat. Prior to the Construction of New Hogan Dam, an estimated 2,000 winter-run Chinook salmon ascended the river to spawn. COE 1981. Following construction of the dam, runs estimated at 1,000 winter-run Chinook salmon were observed in the river in 1972 and 1976. DFG 1993. Winter-run Chinook salmon have been listed as endangered by the NMFS, pursuant to the federal ESA. Unfortunately, the USBR, Stockton East and CCWD have extirpated the winter-run Chinook salmon species from the Calaveras River sometime between1988 and 1992 because of their storage, diversion and use of water.

15. The Calaveras River is a tributary to the San Joaquin River. Dams block fish migration to the headwaters of the San Joaquin River and all of its principle tributaries. Consequently, natural production of anadromous fish is greatly reduced from historic levels. However, natural production will be enhanced if adequate temperatures and minimum instream flows current being sought are achieved.

16. The flow regime of the Calaveras River has been fundamentally altered by the construction of Hogan Dam and subsequent construction of New Hogan Dam. Historically, the river's hydrology was characterized by highly variable flows during winter and rapid attenuation of flows in the summer. Under the present hydrologic regime, the magnitude of winter flows has been significantly reduced while the magnitude and consistency of summer flows has dramatically increased.

17. Populations of anadromous fish have dropped dramatically in recent years, due to insufficient stream flows during critical times of the year, impairment of migration due to dams, and unscreened agriculture and municipal diversions. COE 1981 & 1989, USFWS 1989.

18. There are no mandatory minimum daily flow requirements from New Hogan Dam to protect the anadromous and resident fisheries of the Calaveras River below the dam. The SWRCB failed to order the USBR, Stockton East and CCWD to maintain mandatory daily flows from New Hogan Dam to the river's confluence with the San Joaquin River to keep resident and anadromous fisheries in good condition.

19. Stockton East and CCWD control all releases of water stored in New Hogan, with the exception of releases for flood control purposes, water in the minimum pool and prior riparian entitlements. COE Contract No. 14-06-200-5057A. Stockton East has rights to 56.5% of project yield plus 12,650 acre feet, and CCWD has rights to 43.5% of project yield plus 350 acre feet. COE 1981.

20. United States Geological Survey (hereinafter "USGS") water supply records for the USGS station 11308900 below New Hogan Dam show no flows many days in 1961-1965, and 1971 below New Hogan Dam in violation California Fish and Game Code Section 5937. USGS 1978.

21. Stockton East manages and operates the Bellota Weir and Diversion. The 15 foot high irrigation dam diverts water from the main channel of the Calaveras River into Mormon Slough for flood control and irrigation purposes, with most of the Calaveras River water flowing into Mormon Slough at Bellota before joining the Stockton Diversion Canal.

    There are no minimum mandatory daily instream flow requirements from the Bellota Weir to keep in the downstream fisheries and their habitat in good condition. The timing and magnitude of stream flows below the Weir are not sufficient to allow adult Chinook salmon and steelhead to migrate upstream into the high quality spawning and rearing habitat between Bellota and New Hogan Dam. USFWS 1993. Following the irrigation season, low fall flows below Bellota Weir, which frequently are set to zero by Stockton East, limit upstream migration of adult salmonids. Stillwater Sciences, 2004.

Bellota Weir has been a passage obstacle for more than thirty years. In 1972, DFG, with the cooperation of local organizations, organized a fish rescue operation that transported some 250 salmon trapped below the Bellota Weir to a point five miles upstream. Another rescue operation transporting 405 salmon was conducted in 1976 when low water conditions prevented upstream migration. COE 1981. Several hundred Chinook salmon were observed blocked by the Bellota Weir during the fall of 1995. DFG unpublished data, as cited in Yoshiyama et al. 1996.

22. Stockton East operates fish ladders at the Bellota Weir that are inadequate and impassable at high (>60 cfs) and low flows (<10 cfs). Between October 2000 and October 2005, flows over the Bellota Weir averaged less than 10 cfs during critical migration periods on a minimum of 506 days. There were an additional 164 days during that period when it is believed that less than 10 cfs flowed through the fish ladder. CSPA 2005. At the other extreme, flows approaching 450 cfs between 1 November and 22 November 2005 trapped hundreds of Chinook salmon in the pool below the Bellota Weir. The high flows obscured the ladders and fish were unable to ascend the weir to upriver spawning areas. Stockton Record article titled "Salmon struggle with uphill battle," 18 November 2005. Hundreds of Chinook salmon carcasses were identified below Bellota Weir. Presentation by Fisheries Foundation at Calaveras River Fish Group meeting, 1 December 2005.

23. Rapid flow fluctuations caused by Stockton East's management of water releases frequently strand fish below the Bellota Weir and other downstream fish passage barriers. These barriers include low water crossings, rip rap barriers, concrete dams, earthen dams and flash board dams. For example, on 19 & 20 April 2005, the Fishery Foundation stranding survey documented hundreds of fish, including Chinook salmon and Steelhead trout as stranded in the reach below Bellota Weir following a dramatic reduction in stream flow. Fishery Foundation 2005. Biologists from U.S. Fish and Wildlife Service (hereinafter "USFWS"), and the Fishery Foundation have also documented stranding of salmon and steelhead attributable to a lack of sustained flows in 2002, 2003 and 2004. USFWS 2002-03, Fishery Foundation 2005.

24. The aquatic invertebrate communities in the Calaveras River upstream of Bellota exhibit reasonably good mass and diversity and include stoneflies and other species less tolerant of low flows and poor water quality conditions. However, the invertebrate communities below Bellota exhibit low mass and diversity and are largely comprised of species tolerant of poor water quality and low flow conditions. Strange T., Strange Aquatic Resources, Calaveras River Rapid Bioassessment.

25. Examination of spawning habitat below New Hogan Dam indicates the absence of adequate flushing flows sufficient to mobilize the channel bed

gravels and eliminate excessive infiltration of sand and fines that prevent successful incubation of salmonids eggs and subsequent emergence of fry. Stillwater Sciences 2000.

26. Numerous diversions of water from the Calaveras River below New Hogan Dam are not screened to prevent entrainment and harm to all life stages of anadromous fish. At least twenty-eight unscreened diversions exist between New Hogan Dam and Bellota Weir. At least 262 unscreened diversions exist between Bellota Weir and the San Joaquin River, a number of which are associated with seasonal flashboard dams and other barriers to fish passage. Stockton East's water diversion point at the Bellota Weir is the largest diversion on the Calaveras and has not been screened for decades. USFWS, DFG and NMFS have all identified unscreened diversions as harmful to Calaveras River Fish.

27. Hypolimnetic releases of water from New Hogan Dam and increased summer flows have reduced temperatures in the Calaveras River from historical levels. The inactive minimum pool of 15,000 acre-feet in New Hogan Reservoir is inadequate to ensure protective temperatures for spawning and incubation in many years. USFWS 1993.

28. The Calaveras River is listed on the California 303(d) List of impaired waterbodies because of pathogens, pesticides and low dissolved oxygen. While the principle source of impairing pollutants is likely the Stockton urban area, excessive diversion of dilution flows by Stockton East exacerbates downstream water quality.

29. Stockton East has refused to enter into formal consultation with the NMFS for the purpose of securing a "take" permit pursuant to the ESA. Informal discussion has occurred and Stockton East has been preparing a Habitat Conservation Plan (hereinafter "HCP") over the last four years. However, representatives from DFG, USFWS and NMFS have expressed frustration over the slow pace of HCP development. Calaveras Fish Group Meeting Notes, 2002-2005. None of the elements of the HCP have been circulated for public inspection and no Biological Opinion or NEPA/CEQA document is in preparation.

30. Restoration of California's anadromous fish populations is mandated by the Salmon, Steelhead, and Anadromous Fisheries Program Act of 1988 (SB 2261) which states that it is the policy of the State to significantly increase the natural production of salmon and steelhead by the end of the last century.

31. Pursuant to the Salmon, Steelhead, and Anadromous Fisheries Program Act of 1988, the DFG issued an action plan for restoring Central Valley Streams in 1993. It identified low instream flows, Bellota Weir and other instream irrigations dams and unscreened diversions as responsible for the decline of

the Calaveras River salmon fishery. Based upon a preliminary instream flow study, the DFG recommended adequate fish passage facilities be constructed, the screening of diversions, removal of temporary flashboard dams during migration periods and adequate instream flows for spawning, rearing and migration. DFG 1993.

32. The Central Valley Project Improvement Act (hereinafter "CVPIA") requires the development and implementation of a program to ensure that, by the year 2002, natural production of anadromous fish in the Central Valley will be sustainable at levels not less than twice the average levels attained between 1967-1991. This requirement is implemented through the Anadromous Fish Restoration Program. In January 2001, the Final Restoration Plan for the Anadromous Fish Restoration Program was adopted. The plan identified inadequate instream flow, unscreened diversions, lack of fish passage facilities and temperature as obstacles to the restoration of anadromous fisheries on the Calaveras River. Supplemental instream flows was listed as a "high priority." USFWS 2001.

33. The USFWS, as part of a Stanislaus River Basin Calaveras River Conjunctive Use Water Program Study, conducted an evaluation based upon preliminary instream flow studies and a study of physical habitat for different life stages of salmon. This evaluation was submitted to the USBR in January 1993 as part of the consideration of Stockton East's application to divert water from the Stanislaus River. It was proposed that the proposed diversions from the Stanislaus River be used conjunctively to benefit both agriculture and the Calaveras fisheries. The USFWS evaluation included flow schedules, minimum pool requirements for New Hogan Dam and other recommendations for the restoration of the winter-run Chinook salmon fishery. USFWS 1993.

Although Stockton East subsequently secured additional water from the Stanislaus River, they have never used that water to benefit Calaveras River fisheries and, instead, have repeatedly sought to sell that newly acquired water to out-of-basin interests. Indeed, in October 2005, Stockton East announced that it had sold 8,000 acre-feet of water it receives from the USBR to Semitropic Water Storage District in Kern County. Instead of bringing the transferred water through Goodwin Tunnel to benefit the Calaveras River, Stockton East will send it down the Stanislaus River to the Delta where it will be exported to Kern County. Stockton Record 22 October 2005.

34. CSPA has sent Stockton East a 60-day notice letter of intent to sue, pursuant to Section 11(g)(2)(A) of the federal Endangered Species Act (hereinafter ESA), 16 U.S.C. § 1540(g)(2)(A) for unlawful "taking" of Chinook salmon and Steelhead trout along the Calaveras River channel in violation of the Act. The notice letter alleges that Stockton East has illegally taken listed species by operating impassible barriers to migration, failing to install fish screens at

points of diversion and stranding fish below barriers through their management of water releases. CSPA 2005.

35. CSPA has filed a 60-day notice letter of intent to sue, pursuant to Section 505(b) of the federal Water Pollution Control Act (hereinafter "CWA") 33 U.S.C. § 1365(b) against Stockton East for discharging pollutants without a permit. Stockton East has violated and continues to violate Section 301(a) of the CWA by discharging deleterious materials into the Calaveras River and Mormon Slough by the regular flushing of its intake and other pipes. The discharged material includes large amounts of sediment and debris and is likely to adversely affect habitat crucial to fish in downstream channels, especially in light of inadequate flushing flows. CSPA 2005.

36. CSPA believes that the operation, management, diversion and use of water from New Hogan Dam and Reservoir and Bellota Weir is in violation of California Fish and Game Code Section 5937 because USBR, Stockton East and CCWD have failed to keep the anadromous fisheries in good condition at all times.

37. CSPA believes that the operation, management, diversion and use of Calaveras River water by the USBR, Stockton East and CCWD is an unreasonable method of diversion and a waste and unreasonable use of the state's water in violation of Article X, Section 2 of the Constitution of the State of California because no mandatory daily flow requirements from New Hogan Dam and Bellota Weir were ordered by the SWRCB to sustain and keep in condition at all times the public trust anadromous fisheries of the Calaveras River.

38. The USBR, Stockton East and CCWD have a duty and responsibility to comply with California Fish and Game Code Section 5937 and to provide adequate daily flows and other protective measures to sustain and keep in good condition at all times fall-run Chinook salmon, winter-run Chinook salmon, spring-run Chinook salmon, Steelhead trout and resident rainbow trout species and their habitat below New Hogan Dam and downstream diversions in the Calaveras River to the San Joaquin River.

39. The USFWS in cooperation with the Secretary of the Interior, and assisted by the Anadromous Fish Restoration Program Core Group under the authority of the CVPIA, made the following recommendations for the Calaveras River:

A. Supplement flows with water acquired from willing sellers consistent with applicable guidelines or negotiated agreements to improve conditions for all life history stages of Chinook salmon;
B. Provide flows of suitable water temperatures for all salmonids life stages;
C. Facilitate passage of adult and juvenile salmonids at existing diversion dams;

D. Screen all diversions to protect all life history stages of anadromous fish.
E. Evaluate instream flow, water temperature and fish habitat use in the Calaveras River to develop a real-time management program so that reservoir operations can maintain suitable habitat when fish are present;
F. Monitor sport fishing and evaluate the need for regulations to protect salmonids.

Relief Requested by the CSPA

40. The SWRCB should conduct an investigation of this complaint and take action as shown below.

A. The SWRCB should re-visit and modify the water right permits of the USBR, Stockton East and CCWD and the Board should order terms and conditions that keep in good condition and protect all life stages of the anadromous fisheries and resident rainbow trout and their habitat in the Calaveras River;
B. The SWRCB should order mandatory daily flow requirements for New Hogan Dam which keeps in good condition at all times all life stages of the anadromous fisheries and resident rainbow trout and their habitat below New Hogan Dam to the San Joaquin River;
C. The SWRCB should order necessary pulse flows from New Hogan Dam which will attract and enable adult anadromous fish to escape into the Calaveras River as well as enabling juvenile anadromous fish to escape from the Calaveras River to the San Joaquin River;
D. The SWRCB should order daily instream flow requirements for the Bellota Weir which sustains all life stages of the anadromous fisheries below the Bellota Weir;
E. The SWRCB should order that functional fish passage facilities be provided to enable up-migrants to reach their natal spawning grounds and out-migrants to reach the sea.
F. The SWRCB should order the screening of all diversions on the Calaveras River to prevent the entrainment of all life stages of anadromous fish.
G. The SWRCB should require that the USBR, Stockton East and CCWD to fully comply with the provisions of the federal Water Pollution Control Act, the Porter-Cologne Water Quality Control Act and the Central Valley Basin Plan.
H. The SWRCB should order mandatory minimum pool requirements in New Hogan Reservoir and mandatory water temperature requirements for releases of water from New Hogan Dam and the Bellota Weir sufficient to protect fish and macroinvertebrate species;
I. In conducting the requested investigative report related to this complaint, the SWRCB should obtain recommendations from the USFWS, DFG, and NMFS regarding the protective measures necessary to protect anadromous and resident coldwater fisheries on the Calaveras River.

41. CSPA requests the SWRCB to have the USBR, Stockton East, CCWD and the COE to answer this complaint in a timely manner.

42. As further information becomes available, CSPA requests the opportunity to amend this complaint.

43. Following the SWRCB's investigation of this complaint, CSPA requests that an evidentiary hearing be scheduled.

44. All letters and actions from the SWRCB, USBR, Stockton East, CCWD and COE regarding this complaint should be forwarded by first class mail to Bill Jennings, Michael Jackson, Michael R. Lozeau and Jim Crenshaw at their addresses on the first page of this complaint.

45. Copies of the CSPA public trust, waste and unreasonable use and method of diversion complaint have been served on the USBR, Stockton East, CCWD and COE by first class mail.

Respectfully Submitted

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Bill Jennings, Chairman and Executive Director
California Sportfishing Protection Alliance
Watershed Enforcers
Committee to Save the Mokelumne

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Waldo Holt, Conservation Chair
San Joaquin Audubon Society

Dated: 2 December 2005

Exhibits

1. CSPA, 2005, Notice of Violations and Intent to File Suit Under the Federal Endangered Species Act. Includes:
   a. Exhibit A, flows less than 10 cfs at Bellota Weir October to April, 2000 through October 2005.
   b. Exhibit B, flows less than 20 cfs at Bellota Weir October to April, 2000 through October 2005.
   c. Exhibit C, Record of dead Chinook salmon and Steelhead trout in the reach below Bellota Weir, 2001-2005.

2. Fishery Foundation of California, 2005, Mormon Slough/Diverting Canal Drawdown Stranding Survey.

3. Fishery Foundation, 2003, Draft Plan of Actions to Restore Salmon and Steelhead Populations in the Lower Calaveras River, prepared for the USFWS.

4. USBR, 1999, Water Acquisition Program; Preliminary Investigation; Calaveras County Water District, prepared by Carissa Dunn.

5. USFWS, 2002 & 2003, photographs of stranded fish in Stockton Diverting Canal, below Bellota Weir and Mormon Slough, photos taken by Gonzalo Castillo.

References

1. COE, 1981, Reconnaissance Report, New Hogan Fishery Investigation, California.

2. COE, 1979, Transcript of Public Meeting New Hogan Fishery Investigation Calaveras River, California, Held by the State of California Department of Fish and Game in Stockton, California, 28 March 1979.

3. Calaveras River Fish Group Meeting Notes: 21 Aug. 2002; 21 Jan. 2003; 21 May 2003; 20 Oct. 2003; 11 Dec. 2003; 28 Jan. 2004; 9 Mar, 2004; 27 April 2004; 3 Jun. 2004; 14 Sep. 2004; 4 Nov. 2004; 6 Jan. 2005; 10 Mar. 2005; 18 may 2005; 13 July 2005, 28 Sept. 2005.

4. DFG, 1993, Restoring Central Valley Streams: A Plan for Action.

5. DFG, 1990, Supplemental Water for Fish and Wildlife (a review of supplemental water requirements, potential supplies from water marketing agreements and related costs. Prepared in response to the request of the California Legislature in the 1989 Budget Act).

6. DFG, 1996, Steelhead Restoration and Management Plan for California.

7. Fishery Foundation, 2005, Bellota Fish Ladder Evaluation.

8. S.P. Cramer & Associates, Inc., Memorandum, Recovery of a Dead *Oncorhynchus mykiss* at the Bellota Weir.

9. SWRCB, 1987, List of Current Water Right Holders and New Applicants Within the San Francisco Bay/Sacramento-San Joaquin Delta Hydrologic Basin; Volume 1.

10. Stillwater Sciences, 2000, Technical Memorandum from Vick J. & Pedersen D., of Stillwater Ecosystem, Watershed & Riverine Sciences to Nieuwenhuyse E., USFWS - AFRP, 2 February 2000.

11. Stillwater Sciences, 2004. Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors Analysis, First Year Report (Revised).

12. Stockton Record, Newspaper Articles: a) Rare Even for Calaveras, 4 November 1995, Jim Nickles, b) Salmon get a little help from human friend, 7 November 1995, Jim Nickles, c) Fishing for salmon, steelhead may be banned, 22 November 1995, Jim Nickles, d) Fishing restricted on lower Calaveras, Jim Nickles, 23 November 1995, e) Fish ladder set up, Biologist worried about lack of water, Jim Nickles, 4 November 1999, f) A dry run?, Installing a fish ladder on Calaveras River won't help if there isn't any water,

Jim Nickles, 7 October 1999, g) Salmon making run at Calaveras, Jim Nickles, 17 October 1998 h) Steelhead debate extended, I) Healthier salmon count has ripple effect in Valley, j) Go fish! New ladder helps salmon make it, Jim Nickles, 3 November 1998 k) Salmon call Calaveras River home again, Jim Nickles, 4 March 1996, I) The forgotten river, m) City to tap into Stanislaus River, n) Someone spinning a fish tale? o) Fish tales spawn debate over Calaveras River, Jim Nickles, 25 April 1999, p) Angling over water, Record Editorial, 24 March 2000, q) The Forgotten River, Record Editorial, 29 April 1999 r) Water Resource goes untapped, letter to editor, 24 May 1999, s) New Hogan storage requested, Francis P. Garland, t) Water plan concerns Stockton East district, Jim Nickles, 17 December 1999, u) Rules threaten S.J. water supply, Plan to protect fish species could crush county farmers, Jim Nickles, 17 March 2000, v) Calaveras board delays New Hogan decision, Francis P. Garland, 21 March 2000, w) Water supply depends on trout upkeep, Jim Nickles, 25 March 2000, x) Reservoir waters released, Flood-control measure takes S.J. water leaders by surprise, Jim Nickles, 16 November 2000, y) An unknown river, Calaveras flows from beautiful to trash-strewn, Audrey Cooper, 8 August 2004, and Waterway grabs biologist' attention, Audrey Cooper, 8 August 2004, z) Stockton East looking south; Kern County water bank to get Melones overflow, Alex Breitler, 22 October, aa) 2005 Salmon struggle with uphill battle, Warren Lutz, 18 November 2005.

Fish Sniffer Article: Calaveras King Salmon Die Before Spawning Because of CALFED's Inaction, Dan Bacher, 3 January 2003.

Calaveras Enterprise Article: Calaveras River teeming with salmon, Craig Koscho, 7 November 1995.

13. USFWS, 1993, Central Valley Project Improvement Act: plan of action for the Central Valley anadromous fish restoration program. Draft Report. USGWS, Sacramento, California.

14. USFWS, 1993, Stanislaus River Basin Calaveras River Conjunctive Use Water Program Study: A Preliminary Evaluation of Fish and Wildlife Impacts with Emphasis on Water Needs of the Calaveras River.

15. USFWS, 1997, Revised Draft Restoration Plan for the Anadromous Fish Restoration Program: A Plan to Increase Natural Production of Anadromous Fish in the Central Valley of California.

16. USFWS, 2001, Final Restoration Plan for the Anadromous Fish Restoration Program.

17. USGS, 1978, Water Resources Data for California, Volume 3, Southern Central Valley Basins and the Great Basin from Walker River to Truckee River, USGS Survey Water-data Report CA-78-3, Water Year 1978, P 209.

Certificate of Service
By First Class Mail

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