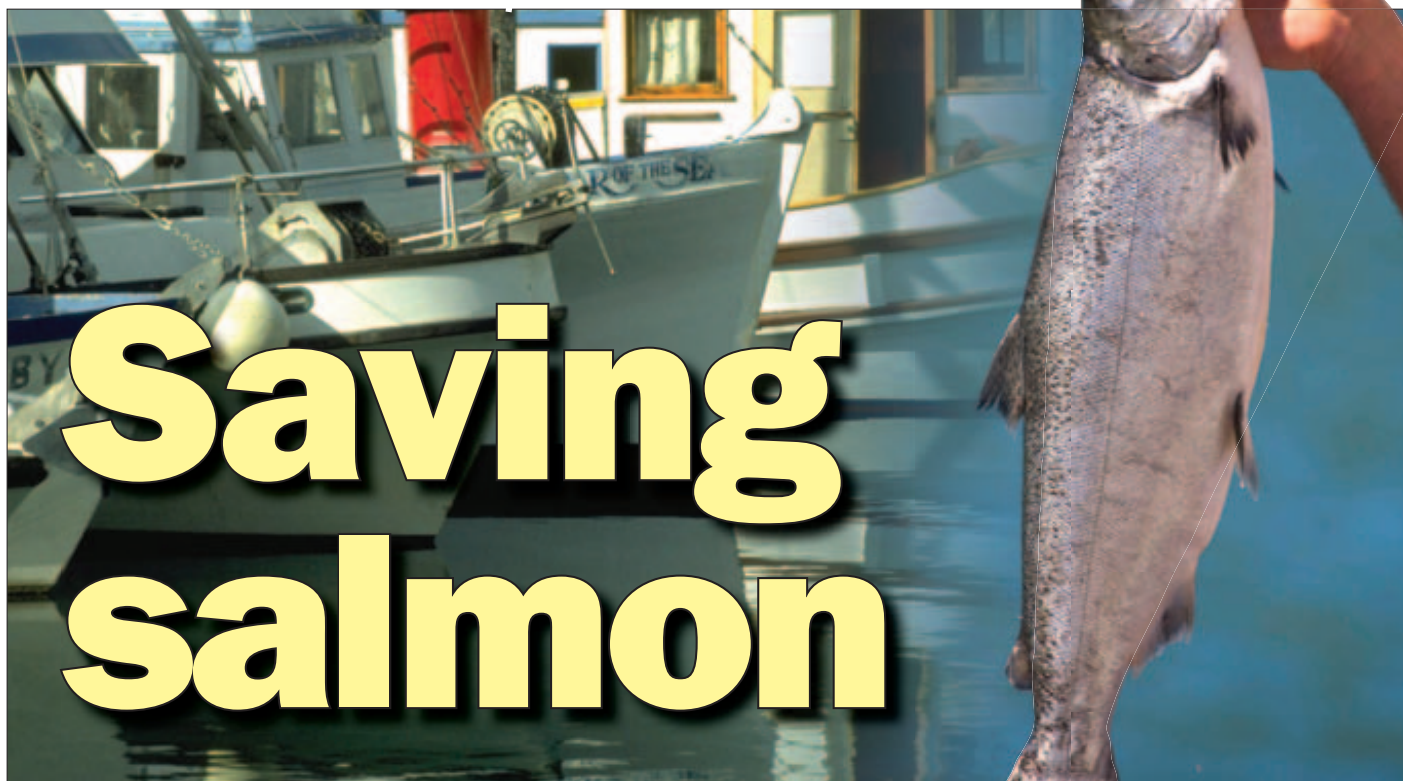


California[®]

FARMER

**Do more than irrigate
with drip tape** see Page 12

**Beneficial wasp attacks
riparian pest** see Page 23



CALIFORNIA DIVISION OF TOURISM PHOTO BY ROBERT HOLMES

By **BARBARA TANNENBAUM**

AS news spreads of this season's collapse of the Pacific Coast salmon fisheries, a group of three Marin-based organic farms in the Pine Gulch Watershed are positioned to win approvals from state and county agencies for a unique water conservation plan that supports agricultural production while improving conditions for salmon.

Complete closures

Salmon fisheries off the coasts of California and Oregon typically have been large, averaging more than 800,000 chinook caught per year from 2000 to 2005. But the Pacific Fishery Management Council has approved a complete closure of commercial and sport chinook fisheries in California

Key Points

- Pacific Coast salmon fisheries are experiencing historic closings.
- Marin-based farms seek a plan that supports agriculture and salmon.
- The Pine Gulch Creek Watershed Enhancement Project is a new concept.

and most of Oregon and is allowing only 9,000 hatchery cohos from fisheries in central and southern Oregon.

At issue is the need to alter the riparian water rights held by Star Route Farms, Paradise Valley Farms and Fresh Run Farms of Bolinas to appropriate rights. These farms draw water from the Pine Gulch Creek, a 7.5-square-mile watershed that begins in the federally protected Point Reyes National Seashore and runs through privately owned

property before flowing out to Bolinas Lagoon in West Marin. The riparian rights enable these farmers to divert water from their creeks as needed during the dry summer-growing season and store it for no more than 30 days.

Solution for farmers

The proposed plan, called the Pine Gulch Creek Watershed Enhancement Project, would clear the way for these farmers to build storage ponds to hold water from Pine Gulch Creek. With the ability to appropriate this water for a period of six months, the farmers would divert creek flow during wet winter months in order to leave the creek at its fullest level during the dry months of summer when the endangered coho salmon and steelhead trout spawn.

The plan has won support from

NO FISHING: Declining salmon numbers has led to some of the most restrictive fishing limits in history for the West Coast.

farmers, environmentalists and local politicians.

"This is a groundbreaking approach to protecting our agriculture and our fisheries along the coast," says Steve Kinsey, a Marin County supervisor who helped spearhead the effort more than eight years ago. "The concept of converting riparian to temporary, seasonal appropriative rights has never been tried before. If adopted, we'll have a new strategy for helping the fish survive without making it come at the farmer's expense."

Tannenbaum is a San Rafael writer.

■ **Read more on Page 4.**

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Sharing water

WATERSHED PROTECTION: To Warren Weber, protecting the soil, water and wildlife attributes of his Marin farm improves crops and makes the watershed unique.



PHOTOS BY MARIN ORGANIC. WWW.MARINORGANIC.ORG

By BARBARA TANNENBAUM

MARIN-BASED farmers in the Pine Gulch Watershed have been working to obtain the necessary permits to build creek water storage ponds. The ponds will store water diverted from the Pine Gulch Creek in the wet winter months for use in the dry summer months, conserving water and improving salmon conditions during the spawning season.

This eight-year effort has required the work and stamina of, well, a salmon swimming upstream to spawn. However, this winter, the farmers won a number of important victories from federal, state and county agencies.

Final steps

Most significant, according to Barry Epstein, the Oakland-based attorney for the project, was the recent \$275,000 grant issued by the California Coastal Conservancy to the Marin Resource Conservation District to prepare final engineering designs and permits for the water storage ponds.

"It's expensive to obtain these rights," says Epstein. "But we've now applied to the California State Water Board for the final permit. While they do have a backlog, I predict we are only two years away from building these ponds."

"I have no problem with the wait," says Warren Weber, owner of Star Route Farms. Started in 1974, Star Route is one of Marin's oldest certified-organic row-crop farms. "This is a good project. It's about finding a balance. We're going to make a positive impact on the overall health of the watershed without sacrificing our production of food."

Weber, Peter Martinelli of Fresh Run Farms, and Dennis and Sandy Dierks of Paradise Valley Produce were first approached in 2000 by biologists from Point Reyes National Seashore.



BALANCING ACT: Warren Weber owns Star Route Farms, Marin. He says the Pine Gulch Watershed project will improve the watershed's health without sacrificing food production.

Key Points

- After eight years, farmers obtain needed permits to build storage ponds.
- California Coastal Conservancy issues \$275,000 grant to prepare final designs.
- Plan allocates water for both farmers and wildlife in Pine Gulch Watershed.

"We live in a unique watershed," explains Martinelli. "Our closest neighbor is the National Park Service. They oversee the upper two-thirds of the Pine Gulch Watershed."

At that time, the park service sought to improve the habitat for steelhead trout and to reintroduce coho salmon into the Pine Gulch Creek.

"We had very cordial relations," says Martinelli. "They wanted to study the creek and restore the salmon run, which had been here more than 100 years ago. They proposed the first version of this water conservation plan."

The first plan proposed by the NPS biologists required a much smaller amount of water to be stored during the dry season. However, in 2002, the legal

status of the coho salmon moved from "threatened" species to "endangered."

Back to drawing board

"The folks at the California Fish and Games, who supported the plan, told us it was no longer good enough," says Martinelli. "Now that the fish are endangered, you've got to find a way to be out of the creek entirely during the summer months. So that's why we went back to the drawing board."

Despite the nearly decade-long effort, Martinelli expressed his firm support for the plan. "My father owned this land in the pre-war era. He came to this corner of West Marin because he liked to fish and hunt in this watershed. I say, if you're going to participate in the ecosystem, you better make sure it's a robust ecosystem."

"I know that from a farmer's perspective, it's hard to add costs for wildlife," he adds. "That won't come easy. But we've reached a point where we need to think about sharing the water with the wildlife. This is a creative way to allocate this limited resource for both the farmers and the wildlife."

Why steelhead, coho are focus

THE National Park Service is concerned about the future of steelhead trout and coho salmon.

These fish are both "anadromous" species, which means they are born in freshwater streams, migrate to the ocean for most of their adult lives, and return to their native streams to spawn.

In 1996, steelhead trout and coho salmon were listed as "threatened" under both the federal Endangered Species Act and the California Endangered Species Act. "Threatened" includes any species that likely will become endangered within the foreseeable future.

Coho's status was upgraded to "endangered" on both ESA and CESA lists in 2005. "Endangered" includes any species that is in serious danger of extinction.

— Barry Epstein, Fitzgerald Abbott & Beardsley, Oakland

No more pumping

By LEN RICHARDSON

AFEDERAL judge has invalidated a water plan that would have allowed more pumping from the San Francisco Bay Delta at the expense of five species of protected salmon and steelhead trout.

The ruling comes in the wake of federal fisheries managers' unprecedented April 10 decision to cancel this year's salmon-fishing season.

Second setback

The decision is the second time the court has ruled that water export plans would harm the threatened estuary. In his opinion, Judge Oliver W. Wanger relied on the National Marine Fisheries Services' own finding that

diverting water from the bay delta was killing huge numbers of salmon. He said, "This morbid projection is inconsistent, if not irreconcilable," with the agency's opinion that the project operations did not jeopardize the survival of the fish. He also faulted the agency for not analyzing the effects of global warming on the fish, calling that failure "arbitrary and capricious."

In addition, the court cited NMFS findings that "current operations result in the loss of 42% of the juvenile winter-run chinook population, and proposed project effects are expected to result in an additional 3% to 20% loss of the juvenile population." NMFS also found that proposed water project operations would kill as many as 66% of Central Valley steelhead and 57% of juvenile spring-run chinook salmon — likely leading to the eradication of the spring-run salmon in the Sacramento River and steelhead in the Central Valley. These findings, the court ruled, are the "diametric opposite" of the finding that the projects would not jeopardize listed salmon species.

"When most of our native fish species are struggling to survive, the water project's plans to eliminate habitat, reduce cold-water flow requirements and increase delta exports made no sense," says Christina Swanson, a biologist with The Bay Institute, a plaintiff in the case. "Ecological collapse in our rivers and in the delta is not just bad for fish, it's bad for the millions of people who depend on delta water for farming and drinking."

2004 plan challenged

The plaintiffs challenged a 2004 long-term water plan known as the Operating Criteria and Plan that would have allowed increased exports south of the delta by reversing many of the decade-old protections credited with saving endangered winter-run chinook salmon from extinction, including relaxing cold-water flow requirements and eliminating nearly half of the available spawning habitat in the Sacramento River.

These operational changes correspond with significant declines in chinook salmon populations since 2004.