

**Subject:** [Fwd: Extension petition on Reclamation's California SWRCB Ap. #18115 Black Butte]  
**From:** "pfmc.comments" <pfmc.comments@noaa.gov>  
**Date:** Mon, 21 Sep 2009 08:25:58 -0700  
**To:** Jennifer Gilden <Jennifer.Gilden@noaa.gov>, Chuck Tracy <Chuck.Tracy@noaa.gov>

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**Subject:** Extension petition on Reclamation's California SWRCB Ap. #18115 Black Butte  
**From:** Mike Barkley <mjbarkl@comcast.net>  
**Date:** Sun, 20 Sep 2009 21:52:57 -0700  
**To:** pfmc.comments@noaa.gov

Hello,

I understand the Sacramento River watershed is crucial to chinook in the west. In that watershed at one time Stony Creek was one of the finest salmon spawning grounds. Reclamation has dammed chinook into extinction on Stony Creek. Reclamation has filed for a 40 year extension on the crucial water right on Stony Creek. I see an opportunity to restore chinook in this process.

Please see NFMS BiOp at  
[http://swr.nmfs.noaa.gov/sac/myweb8/BiOpFiles/2008/final\\_revised\\_Stony\\_Creek\\_BO-GC\\_edits\\_FINAL\\_Tucker.pdf](http://swr.nmfs.noaa.gov/sac/myweb8/BiOpFiles/2008/final_revised_Stony_Creek_BO-GC_edits_FINAL_Tucker.pdf)

and, for instance, testimony by Judge Purkitt (also former State Senator, and head of the California Democratic Party for much of the 1920s) at <http://www.mjbarkl.com/fish.htm> p. 484 - he does not name the species but email with one fish expert leans towards chinook.

The 3 major reservoirs on Stony Creek make the stream somewhat unique, because for the main stem of each reservoir there is an undammed parallel tributary separated from that stem by very low hills. This makes bypass canals physically doable. Reclamation has asked for long extensions on all of its Central Valley Project Permits, which I would suspect has placed a tremendous burden for response on the various Fishery agencies and advocacy groups. With a short deadline there's not much time to prepare a proper protest.

I am planning on asking California SWRCB for the following mitigation & settlement term to compensate for the cumulative effect of Reclamation damming chinook into extinction on Stony Creek (Glenn/Tehama/Colusa Counties), Ap 18115, 40-year extension protests due 10/03/2009:

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2. Restore the anadromous fish runs on Stony Creek and tributaries except for Little Stony Creek: fund, engineer, construct and operate lined fish migration bypass canals of sufficient width, depth and flow:

- 1) from the confluence of Little Stony and Big Stony around Stony Gorge down through Briscoe Creek watershed and back to Stony Creek,
- 2) from Julian Rocks through an excavated notch in the hill between Stony and the Hambright Creek watershed and thence to the South Diversion Dam forebay.

Add chillers, feeders, oxygenators, and temperature and chemical testers at strategic locations on the canals and streams; add fish ladders around the Tehama-Colusa Canal CHO dam or dams, the North Diversion Dam, the South Diversion Dam, and Rainbow Diversion Dam; properly screen all diversions; replace private diversions in the watershed with fish-friendly diversions; add public access monitoring roadways to all fish facility locations and for the length of the bypass canals; annually restore a discrete channel between Black Butte and the Sacramento River; water saved by this mitigation will not be charged against Reclamation's allocation(s).

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Could you ask your anadromous people if this is feasible? I have asked others but not received a response. Because of the Angle Decree, Stony Creek is already in the jurisdiction of U.S. District Court Judge Lawrence Karlton, whose decisions requiring Reclamation to restore Salmon on the San Joaquin are legendary. As a land & water rights owner on Stony Creek I have standing in addition to my environmental advocacy interests. All I need to do is present the issues properly during the preparatory stages such as this protest in order to have a shot at restoring chinook on Stony Creek.

Thanks in advance & best wishes,

--Michael J. Barkley, 161 N. Sheridan Ave. #1, Manteca, CA 95336  
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