

KERN RIVER BOATERS

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Upper Kern Fisheries Enhancement Fund Summary

Review of Fund and 2007-2022 Grant Activity

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Background

- The Upper Kern Fisheries Enhancement Fund (or “Fund”) was established as a part of the 1996 KR3 FERC relicensing process
- The fund was an outcome of protracted negotiations and finally a 2005 “Upper Kern Basin Fishery Resource Enhancement Measures Implementation Memorandum of Understanding” (or “MOU”)
- The fund was established with \$2.5 Million dollars, to be administered by the Kern Community Foundation
- A list of all projects that have been funded is available under "Grantmaking" at: www.kernfoundation.org/fisheries

Criteria

Per the establishing MOU, the funding criteria for consideration of all written Study and Measure proposals are:

- a) Improve the status of Kern River Rainbow Trout (KRRT) to avoid sensitive, endangered, or threatened listings;
- b) Contribute to objectives of the Upper Kern Basin Fishery Management Plan (hatchery development and operation, KRRT genetics work, habitat, stocking or monitoring KRRT);
- c) Contribute to Upper Kern Basin trout habitat;
- d) Contribute to Upper Kern Basin water quality;
- e) Other activities mutually approved by the parties.

(2005 MOU, page 6-7)

Intention

The intention of the MOU clearly states that the signatory resource agencies (CDFW, USFS, and USFW) “desire funds to enable the resource agencies to implement” the Measures and criteria discussed, and that the “funds shall be distributed to fund proposals by the individual resource agencies” which meet the criteria described. (2005 MOU, page 2)

The Fund’s vision was that the signatory agencies would write proposals and do these projects themselves, particularly the direct work with the KRRT breeding and stocking project items which were identified as the Fund’s primary objective in the MOU. "Vision for the Future: Restoration of pure native Kern River rainbow trout to protected streams in the upper Kern and North Fork Kern by 2020." (Kern Community Foundation)

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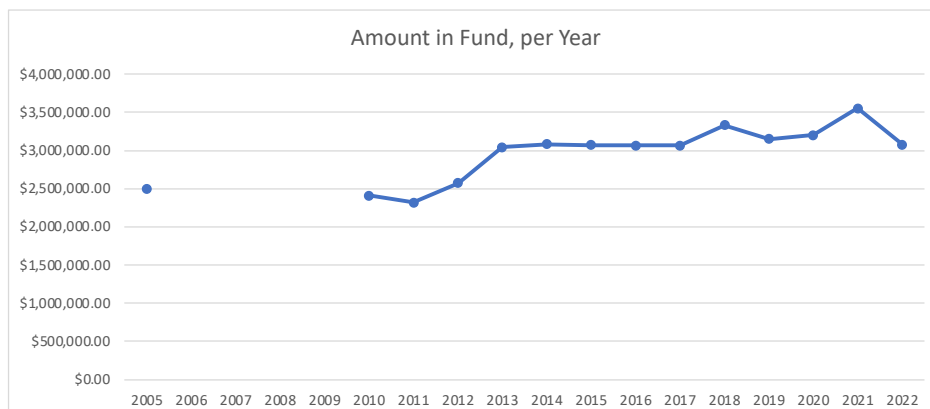
Outcomes

Status of Kern River Rainbow Trout (KRRT)

- Primary goal of Fund was to protect and improve the status of KRRT.
 - **Goal failed.**
 - Kern River rainbow trout have since been classified by the U.S. Fish and Wildlife Service as a candidate species for listing under the Endangered Species Act. (per CDFW).
 - Kern River rainbow trout have since been listed as a Species of Special Concern by CDFW. (per CDFW).
- Primary endpoint of Fund was restoration of KRRT to tributaries of North Fork Kern.
 - **Endpoint not reached.**
 - Only 3 proposals out of 34 (8.8%) dealt directly with the restoration of KRRT to the Upper Kern Basin.
 - Only \$299,855.00 out of \$1,715,874.56 (17.5%) was spent directly towards the restoration of KRRT.
 - 0 proposals and 0 dollars were awarded to proposals involving breeding, stocking or monitoring activities. 0 KRRT have been restored to the Upper Kern Basin.
- KRRT restoration projects
 - 2007-8: Genetic Assessment of Kern River Rainbow Trout (UC Davis).
 - 2011: Hatchery and Genetic Mgmt. Plan for Kern River Rainbow Trout (UC Davis).
 - 2016: Collect genetically pure KRRT from Sequoia NP (CDFW).
 - No direct restoration efforts have been undertaken since 2016.
 - \$ 315,400 (18% of fund awards) has been spent on the Kern River hatchery, which continues to be inoperable.
 - If any KRRT were actually collected, it remains unclear where or how they are intended to be bred and reintroduced to the North Fork Kern.

Funds Distributed:

- \$2.5 million dollars was added to fund in 2005.
- Fund have maintained or increased value nearly every year since.
- \$1,715,874.56 in funds have been distributed through 2022.
- Per end of year 2022 reporting, Fund contains \$3.075 million dollars.



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Funds distributed, by project sponsor:

Sponsor	Total Awarded
California Trout	\$359,860.00
UC Davis	\$254,855.00
USFS/SQF	\$229,895.69
Southern Sierra Fly Fishers Club	\$192,000.00
Plumas Corporation	\$193,576.00
Trout Unlimited	\$125,000.00
CDFW	\$179,516.65
Sequoia and Kings Canyon National Park	\$79,671.22
Kern River Conservancy	\$48,100.00
Friends of the Hatchery	\$43,400.00
Kern Community Foundation	\$10,000.00

Total awarded to signatories, combined (CDFW, USFS/SQF):

\$409,412.34

23.9 percent of total award dollars

Funds distributed, by criteria:

- Criteria were assigned manually from descriptions of projects and proposals as presented to the Kern Community Foundation.
- Over half (51%) of the funds were used for habitat improvements.
- Infrastructure improvements were included under Water quality (USFS-sponsored vault toilet installation) as well as Other (KRC-sponsored staircase reconstruction at Johnsondale bridge).

Funding Criteria	Number of awards	Total awarded	Percent of total award dollars
Habitat improvement	17	\$874,833.56	51.0
Hatchery	7	\$315,400.00	18.4
Water quality	2	\$167,686.00	9.8
KRR Genetics	1	\$165,810.00	9.7
KRR Breeding Plan	1	\$89,045.00	5.2
KRR Collection	1	\$45,000.00	2.6
Publicity	4	\$33,100.00	1.9
Other	1	\$25,000.00	1.5
KRR Breeding Program	0	\$0.00	0.0
KRR Stocking	0	\$0.00	0.0
KRR Monitoring	0	\$0.00	0.0
Fish ladder monitor	0	\$0.00	0.0

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Conclusion:

The Trust Fund has failed in its primary stated mission to protect and restore the KRRT. To the contrary, KRRT has become a species of special concern during the Fund's existence. This failure can be traced to agency inattention and inaction towards programs to reach this goal and the agencies' concurrence on the expenditure of Fund monies on tertiary and other projects not targeted towards KRRT and of marginal relevance to the health of the NF Kern fisheries. This Fund was specifically established *in lieu of greater minimum flows* in the 16 miles of NF Kern fishery between Fairview Dam and the KR3 Powerhouse. Monitoring has established that water quality violations caused by the excessive diversion of water from this fishery for KR3 have led to extreme fish mortality in direct comparison to the free-flowing fishery above Fairview Dam, and this mortality occurs in not just low-water years, but in median water years as well — *i.e.*, in most years. The exchange of decreased minimum flows for this Trust Fund has failed to serve the KRRT or the public interest and should not be repeated in the future.

References

Kern River Rainbow Trout. California Department of Fish and Wildlife Fisheries Conservation. <https://wildlife.ca.gov/Conservation/Fishes/Kern-River-Rainbow-Trout>. Accessed Mar 14, 2023.

2005 Upper Kern Basin Fishery Resource Enhancement Measures Implementation Memorandum of Understanding; USFS, USFWS, CDFW, SCE. https://www.kernriverboaters.com/s/2005_USFS_SCE_CDFW_USFWS_AMENDED_SETTLEMENToc.pdf

Kern Community Foundation. Upper Kern Fisheries Enhancement Fund Grant Recipients. <https://www.kernfoundation.org/wp-content/uploads/2023/01/Upper-Kern-Fisheries-Enhancement-Fund-Grant-Recipients-Updated-1-19-23-1.pdf>

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2021 Pre-Application Document, Volume No. 1, SCE. https://www.sce.com/sites/default/files/inline-files/KR3_PAD_Volume_I_Public.pdf