

**Alameda Creek Fisheries Restoration Workgroup**

**Minutes of Meeting**

**April 3, 2001**

**9:30 am**

**Alameda County Public Works Agency**

**951 Turner Court**

**Hayward, CA**

**Attendees**

Pete Alexander	EBRPD
Bill Bennett	DWR
Ann Buell	Coastal Conservancy
Eric Cartwright	ACWD
Erika Cleugh	CDFG
Manny da Costa	ACFCWCD
Susan Fizzell	San Francisquito Creek CRMP
Andy Gunther	AMS
Chris Gray	Supervisor Haggerty's Office
Laura Kilgour	ACFCWCD
Jeff Miller	ACA
Josh Milstein	SF City Attorney's Office
Joe Naras	SFPUC
Anna Roche	SFPUC
Steve Rothert	American Rivers
Paul Salop	AMS
Gary Stern	NMFS
Richard Wetzig	ACFCWCD

Agenda Item No.

## **1. Announcements**

Andy Gunther passed around a publication produced by Sonoma County Water Agency featuring a write-up on the Alameda Creek restoration activities.

Richard Wetzig mentioned that he had just received notice of the upcoming State of the Estuary Conference scheduled for October 13<sup>th</sup> and 14<sup>th</sup>.

Paul Salop mentioned that the revised Workgroup website has been posted that would be used to compile and make available various products associated with Workgroup activities (e.g., CH2M Hill design and cost estimates, SFPUC dam removal reports). Please forward any comments regarding the website to Paul

## **2. Progress Updates**

**§1135 Project** Eric Cartwright informed the Workgroup that he received notification that the USACE has approved \$10k to undertake the Preliminary Restoration Plan phase of the §1135 program and that the PRP would be initiated right away. If things proceed as envisioned, the next phase, the Environmental Restoration Report, a \$500k to \$600k undertaking, would be initiated subsequently.

Andy inquired as to whether Eric knew who would be making the approval decision on the ERR and if lobbying in support of the Alameda Creek project would be beneficial. Eric replied that the regional office of the USACE would be making that decision. Gary Stern added that NMFS management meets regularly with that office of the Corps and that he may perhaps be able to put in a good word for the project. Chris Gray added that he would also be willing to round up political support from the legislature in support of the project. Paul Salop asked if inclusion of notice of the additional grants recently received on behalf of the Workgroup could be attached to the Alameda Creek project proposal prior to determination on the ERR. Eric responded that it would be a good idea to make sure that it is included as part of the PRP.

**EBRPD Dam Removal** Pete Alexander gave an update on the status of two small swim dams in Sunol Regional Park scheduled for removal. He reported that there were no changes in status – the removal event is scheduled for August 17<sup>th</sup>. Anyone with additional suggestions for

invitees should forward them directly to Pete. Pete added that the event will showcase all restoration activities within the watershed and not just the EBRPD dam removals, and that organizations involved in restoration are requested to bring information for display.

**SFPUC Dam Removal** Josh Milstein informed the Workgroup that the SFPUC has determined that removal of both Sunol and Niles Dams are preferred as opposed to modification for fish passage. A major remaining sticking point needing to be worked out is the cultural resource issue involved with removal of historic structures. Josh met with representatives of the City of Fremont to explore mitigation options. One option is to develop signage for placement at a Fremont park. This, however, presents problems in that the project could be delayed while waiting for the City of Fremont to complete its park planning process. An alternative that Josh prefers is to produce an educational video about the history of the dams and why restoration necessitated their removal.

Bill Bennett asked whether another option would be to leave a small portion of the dam standing to mark the cultural resource. Josh responded that this would leave an “attractive nuisance” for which there is no safe access and where liability has been an issue in the past.

### **3. Proposed SFPUC Rubber Dam**

Josh indicated that he has scheduled a meeting for April 11<sup>th</sup> to discuss issues surrounding the proposed rubber dam. The PUC has a hydrologist developing an operations plan for releases and recapture, recognizing that operations will need to include provisions for smolt and fish passage. The design is currently scaled at 2 to 3 feet, and will include fish passage structures as required by regulatory agencies. Josh added that their consultants believe that the project can proceed with a negative declaration, but there are difficult issues to be resolved surrounding provision of habitat for both red-legged frogs and steelhead.

Pete said that the issue of in-stream and bypass flows had been a topic of discussion that had taken up much of the March Propagation Subgroup meeting. Gary added that NMFS is currently lacking information to make flow decisions. Josh responded that there is no IFIM (In-stream Flow Incremental Methodology) study for the reach, but that the PUC does have some ancillary data and is currently gathering more.

### **4. Subcommittee Updates**

**Grants Subgroup** Andy Gunther informed the Workgroup that the Grants Subgroup met on March 5<sup>th</sup> and decided at that time not to develop any additional grant proposals for the time

being. He added that the PUC had submitted a proposal for Proposition 13 funding to remove the two Niles Canyon dams that had been highly regarded but that was lacking a match by the City of San Francisco and was therefore not approved. The subgroup had also discussed different ways of approaching CALFED for funding; the ACWD had agreed to spearhead this effort beginning in the summer. Tim Koopman of the PUC, and also a 4<sup>th</sup> generation rancher in the Arroyo Mocho area, attended the meeting and had been helpful in recommending methods for conducting outreach to other landowners in the area.

Erika Cleugh informed the group that the CCSRP grant was written and submitted in February. Laura Kilgour added that she has received the grant and has submitted it to the ACFCWCD Board for approval. The FCD, recipient of the funding, would then be administering the grant through CEMAR.

In response to funding opportunities within CALFED, Bill mentioned that the DWR is part of CALFED. They have been closely monitoring progress of the Workgroup and have named Alameda Creek as a priority area. He added that he felt Alameda Creek has a “better than average” chance of receiving some support because of the Workgroup’s reputation as a model of cooperation. Bill also added that his office will probably be moved to the Ecosystem Restoration Office as opposed to the current Integrated Storage Options.

*Fremont Steelhead Festival and Watershed Awareness Fair* Jeff Miller informed the Workgroup on the status of the Festival. The organizing committee held a meeting March 27<sup>th</sup> and Jeff commented that things are progressing well toward a successful festival. Information on the Festival is available on the internet at [www.cemar.org](http://www.cemar.org) and Jeff distributed a flyer with details on the Festival that will also be available on-line. Invitations for participation were distributed to East and South Bay organizations involved with restoration. Details for running events, food, and music (by Bay area bluegrass band) have all been finalized. Scott Haggerty has agreed to speak at the event.

Chris asked whether it would be helpful to have a resolution declaring steelhead day or steelhead week in the County. The Workgroup heartily endorsed the idea. Eric added that May is also water awareness month that would tie in nicely with both the Festival and a steelhead week declaration.

*Propagation Subgroup* Andy gave the Workgroup an update from the March 6<sup>th</sup> meeting of the subgroup. A major topic of discussion at the meeting centered around an ongoing email correspondence involving Jerry Smith’s recommendations about limiting the possibility of a

founder effect by eliminating fish transport activities. Andy related Gary's comments that NMFS may well decide that this will be the last winter that transport activities can occur without a restoration plan and approval from NMFS, and that NMFS is forming a task force to give guidance for restoration plans.

Gary added that the propagation options discussed at the meeting would probably require permits under Section 10 of the Endangered Species Act, Research and Enhancement, and not a consultation pursuant to Section 7. The question Gary posed is then "how will restoration actions proceed?" He indicated that NMFS will be reluctant to support stand-alone projects without an overall plan in-place. He said that Jerry Smith's emails raised important questions regarding the possibility of establishing a non-endemic population, and that there needs to be more discussion on this topic. Gary also raised the possibility of having a staff biologist from Seattle come down to speak on this topic to the Propagation Subgroup or the entire Workgroup.

Bill then asked if there had been stocking higher up in the watershed. Josh answered that there had been stocking of brown trout and brook trout around the turn of the 19<sup>th</sup> century. Pete added that he was not aware of any current presence of these fish in the watershed. Pete added that Tom Taylor has begun monitoring studies in the watershed and is currently gathering data on fish populations and run timing. Gary added that past genetics studies performed have suggested there is an appropriate genetic stock available in the watershed and that the Workgroup needs to begin determining the optimal methods for undertaking propagation activities.

Gary then suggested that future transport efforts may not be viewed as worthwhile if it involves taking a listed species and placing it in questionable habitat. He added that if we undertake and address issues surrounding the BART weir without addressing additional restoration actions, will we then be opening up an opportunity for non-endemic species to establish a foothold? One option he mentioned was that of introducing real-time genetics testing, whereby returning fish could be captured at the fish ladder, have a clip removed for genetics testing, and be held for a few days until rapid assessment could be completed and a release determination made.

Pete responded that these issues were what culminated in the formation of the Propagation Subgroup to address them. Andy then asked of Gary what would be done in the short-term with returning fish that were not allowed to be transported above the inflatable dams, as it is undesirable from the point of view of the ACWD to allow fish to be stranded in the channel. Gary replied that that is unknown at this time, but in his opinion moving adult fish in the small numbers that are currently returning does not appear to be much of a problem, as the

likely number of steelhead straying should be minor. It was pointed out, however, that Delta releases into Alameda Creek would serve to increase the likelihood of straying into the Creek.

## **5. Restoration Plan**

Discussion from the Propagation Subgroup activities segued directly into the next topic in that a major issue from the subgroup meeting was that of the need to develop an overall restoration plan for the watershed. Susan Fizzell mentioned that she has been involved in a similar process on San Francisquito Creek in which the group identified barriers, performed genetics testing, and is in the process of working to remove barriers. A significant part of this process was the development of a Watershed Management Plan outlining restoration goals that the participants could agree on .

Josh distributed to the Workgroup copies of a restoration plan developed for the Lower Tuolumne River. He commented that the plan is similar to some of the work that has been undertaken on Alameda Creek. He also stated the importance of defining overall goals for the restoration project, a step taken as part of the Tuolumne plan but yet to be completed for Alameda Creek. Gary echoed this comment and mentioned that this type of information is especially helpful when approaching potential funding organizations.

Josh added that development of a programmatic EIR would make it easier for each individual restoration project. Bill questioned the need for an overall EIR, citing that they are time-consuming, costly, and that individual projects will likely require their own EIRs. He put forth the idea of developing a general plan without a programmatic EIR and having EIRs be developed with individual projects. Gary responded that if a Section 7 consultation is performed for a programmatic EIR there will still be the need for separate consultations for individual projects.

Josh mentioned that the PUC had recently developed a watershed plan, but that it dealt with PUC managed lands only. Richard said that Zone 7 had begun a process of developing a watershed management plan regarding water supply management approximately three years previous, but the process has become bogged down.

Steve Rothert inquired as to whether development of this plan would impact the timing of individual restoration projects negatively. Andy responded that he hoped that it would actually facilitate the projects in use as a sales pitch to potential funding organizations and in tackling some of the overarching watershed-wide issues. Josh agreed that a product of this nature

would be very helpful in garnering support from the San Francisco Board of Supervisors. He added that one on the scale of the Tuolumne would probably not be necessary (this document was several years in the making). Regarding time to produce the plan, Andy mentioned that we already have many of the components laid out in the Assessment, but that issues such as propagation and flows need to be further developed. He added that the plan would not necessarily have to have all issues resolved; it can be a work in progress and can identify areas for further study.

Josh commented on the issue of flows that Tom Taylor's monitoring efforts will supply some of the needed data. Jeff asked of Gary if NMFS will require an IFIM study. Gary responded that an IFIM would be helpful, but not required. He added that NMFS is currently negotiating in-stream flows with the Santa Clara Valley Water District, for which no IFIM studies were performed, and is relying on such items as temperature data, habitat typing under differing flow regimes, and temperature modeling in its place.

Laura then questioned the Workgroup as to their thoughts on the development of a restoration plan, stating her main concern with the length of time that this process could potentially take. Pete echoed Andy's comment that the Workgroup could choose to produce a work in progress version. Andy added that much of the information that would go into the plan has been developed and a ten to twenty page version could probably be produced without an exhaustive effort. He added that the detail of the Tuolumne plan will eventually be required, but perhaps not at this time, and that the Workgroup can fill in the missing pieces over time.

Erika commented that this type of prioritized plan is what CDF&G is hoping to see and that it will also be addressed by other funding organizations. Ann Buell echoed this comment, adding that programs that can show where requested funding fits into a grand scheme have a better chance of receiving funding.

Laura summed up the general consensus of the Workgroup that the production of a planning document is an important task. She then raised for discussion the issue of who would be the appropriate lead agency for its development. Josh recommended against using the PUC as the lead agency but suggested that a MOU between several agencies may be one potential option. Bill also offered up the option of having DWR serve as the lead agency if the local agencies were unable to. Pete then asked if the Workgroup itself could serve as a lead agency. Erika and Ann responded that if funding would be requested to support such an effort, that their organizations are only able to fund agencies and nonprofits, and the Workgroup does not technically fit into either category.

Bill then asked if there was a way in which the development of a planning document could begin within the next six months. Andy responded that AMS could begin putting together a first cut that would address some of the planning issues and identify remaining data needs using funds remaining in AMS' existing contract. He added that it will be important to see whether the Workgroup participants can reach consensus on the goals for restoration inherent in such a plan. Josh added that if the document does not include a programmatic EIR, that it probably can be produced at a reasonable cost.

The discussion then turned to where the funds would come from to support the development of a restoration plan. Jeff Miller indicated the Alameda Creek Alliance could commit some funds to the development of the plan. Andy indicated that there were some funds remaining in the contract between AMS and the Flood Control District that could be used for this purpose. The Workgroup agreed to have AMS begin development of the document using previously allocated funds.

Jeff then asked if the Workgroup could form an additional subgroup to oversee development of the planning document. Nearly all of the Workgroup members present volunteered to serve on this subgroup so the decision was made to keep discussion of the planning document at the Workgroup level for the time being. Jeff suggested having each Workgroup member forward to Andy their goals for the restoration project. Andy agreed to distribute to Workgroup members an email requesting this information.

## **7. Fish Transport**

Pete revisited the discussion from the March meeting of the Propagation Subgroup regarding the issue of fish transport and the differing opinions on the value of continuing the activity. He summarized the general consensus of the subgroup that the transport activities should continue for the time being.

Pete told the Workgroup that following a large precipitation event on March 6-7, fish were observed in the channel below the BART weir by ACWD personnel. Subsequently, one steelhead was captured, tagged, and released above the upper inflatable dam. The tagged fish has remained within an approximately 100m range above the dam. Pete added that he will attempt to locate the fish to verify whether or not the tag is still intact and the fish is alive.

## **8. Other Issues**

Laura reported that a short list of three potential contractors has been developed to perform the levee reconfiguration study discussed at previous Workgroup meetings.

In response to a question from Pete, Gary explained that currently only anadromous fish populations and populations with the potential for anadromy are included in the Federal listing for the ESA. He did add, however, that resident trout populations are considered protected under State law.

## **9. Agreements / Action Items**

- 1) Eric will work with the USACE to ensure that notice of the Workgroup's success in obtaining grants is reflect in the PRP under development.
- 2) Contact information for any additional invitees to the EBRPD dam demolition kickoff should be forwarded to Pete Alexander.
- 3) Chris agreed to submit the idea for declaration of a "Steelhead Week" to the Board of Supervisors to coincide with the Fremont Steelhead Festival.
- 4) Andy will distribute a request for each participating organization to submit a one to two paragraph summation of each organization's goals for the restoration project to be used in development of the restoration planning document.

## **10. Items for Next Meeting**

The next meeting of the Workgroup was scheduled for Wednesday, May 16<sup>th</sup> at 9:30 am at the ACPWA Turner Court offices. Possible agenda items for the meeting include: 1) levee reconfiguration, 2) USGS sediment study, 3) results of Michael Love's analysis of passage issues in Stonybrook Creek, 4) discussion of the restoration plan, and 5) a discussion of SFPUC water operations.