

# Alameda Creek Fisheries Restoration Workgroup

## Minutes of Meeting

July 30, 2002

Alameda County Public Works Agency

### Attendees

Pete Alexander	EBRPD
Steve Apperson	SFPUC
Gordon Becker	CEMAR
Brenda Buxton	State Coastal Conservancy
Eric Cartwright	ACWD
Erika Cleugh	DFG
Chris Gray	Supervisor Haggerty's Office
Andy Gunther	CEMAR
Laura Kilgour	ACFCWCD
Jay Kinberger	U.S. Army Corps
Mary Lim	Zone 7
Jeff Miller	ACA
Josh Milstein	SFPUC
Stuart Moock	PG&E
Jim Reynolds	ACWD
Steve Rothert	American Rivers
Lisa Sheldon	Sonoma County Water Agency
Jennifer Stokes	SFPUC

### **Announcements**

*Policy Advisory Committee.* Eric Cartwright told the Workgroup that the agencies with management responsibilities in the Alameda Creek watershed are considering forming a Policy Advisory Committee. The committee would consist of management-level representatives and would consider the Workgroup to be its associated technical advisory committee. While the membership and structure of the Policy Advisory Committee has not yet been determined, it would likely have quarterly meetings and would consider such issues as the §1135 process, cost-sharing and policy matters. It would also attempt to communicate policies to local elected officials. Andy Gunther cited the desirability of a liaison between the new committee and the Workgroup, with each committee providing an update of recent activities to the other as a standing agenda item.

*ACA Open Letter.* Jeff Miller was asked about the content of the ACA's open letter to the Workgroup. He stated that the letter was prompted by concerns regarding potential delays to the restoration process. In particular, Jeff noted that the "G.I. route" to funding restoration projects in Alameda Creek would likely result in delays unacceptable to ACA. He also stated the group's position that trap and haul should be conducted to protect ESA-listed in-migrating steelhead until passage projects make such a program unnecessary.

Josh Milstein commented on the open letter, making a number of points related to overlap between SFPUC and Workgroup restoration planning efforts. Josh believes that the SFPUC's capital program presents the best opportunity for accomplishing steelhead restoration in the watershed because the City will have to obtain 404 permits (from the Corps) and undertake associated section

7 consultations with USFWS and NMFS. According to Josh, there is no other entity with the funds and the need to undertake this effort, and the SFPUC intends to make steelhead restoration part of the program description (as opposed to mitigation for actions). He stated that the section 7 consultation process is the clearest path to negotiating flow issues, along with the proposed Habitat Conservation Plan (HCP). Josh noted that the program will be undertaken in a phased manner and in general is consistent with the 2005 timeline established in the Restoration Action Plan for addressing the lower barrier ladders.

Josh stated that the SFPUC supports laddering the lower barriers on the current schedule, and wants to make SFPUC dam removals (Niles, Sunol, and consideration of removing Upper Alameda Diversion Dam) part of its program. He stressed that while the Workgroup is a good forum for reviewing project proposals and working out disputes, it does not set policy or define projects for the SFPUC. The SFPUC is aware that litigation by ACA or other parties may occur once it defines its program and completes environmental documents. Josh suggested that legal action prior to these events would prevent his participation in Workgroup proceedings.

Finally, Josh expressed the SFPUC's concern about the implications of a trap and haul program, saying that the City would not agree to issue necessary permits for access to City land to release steelhead until related issues are addressed. Josh believes that the best forum for addressing this issue is as part of the SFPUC's capital program, which will identify restoration measures.

Jeff Miller re-stated the ACA's position that substantial delays in undertaking restoration activities would be opposed by the group for the potential harm they could cause the steelhead resource. He also requested that the ACA be provided opportunities for input into SFPUC planning processes such as the Capital Improvement Program.

Josh said that additional information expected from SFPUC contractors would be essential to determining water requirements for steelhead. He hopes to be able to provide a planning schedule for SFPUC activities related to repairs of the Calaveras Dam at the next Workgroup meeting.

Steve Rotherth requested that management agencies attempt to identify as realistically as possible potential delays in restoration-related activities to avoid misunderstandings and repercussions from missed deadlines.

## **Updates**

*§1135Process.* Jay Kinberger reviewed the §1135 process, saying that it is intended to cover smaller (by Corps standards) projects. According to Jay, the Division office has concerns about the dollar-value of the currently proposed project for the flood control channel. At issue are both costs and the scope, meaning the project components. The Corps is presently considering which project elements proposed for the flood control channel are appropriate for inclusion in an §1135 project as part of preparing the Project Management Plan (PMP). The PMP process may involve "retooling" the project for cost and scope issues. Jay mentioned that a draft of the PMP is likely to be ready for Workgroup review in about one month and will include information on the schedule of steps in the §1135 process.

Andy Gunther asked Jay about the importance of providing the Division office with information regarding funding sources potentially available to cover costs of the §1135 project beyond those covered by the Corps. Jay responded that the local sponsors have already stated their intent to obtain such funds and that "ability to pay" analysis is a later step in the process. He offered the opinion that removing project elements at this point in time is not advisable.

Jay believes that a draft PMP will be delivered to the Division office within two months, and cited a likely turnaround time for potential "retooling" issues of one to two additional months. With regard to the benefit of the Workgroup lobbying for outside support for the project, Jay said that Congressional interest would be the appropriate avenue. He could not say, however, that such efforts would be worthwhile.

## **Agenda Items**

*Grants Subgroup.* Brenda Buxton updated the Workgroup on the meeting of the subgroup held on July 23<sup>rd</sup>. She summarized the situation by saying there is money available for steelhead restoration from the Coastal Conservancy, DFG and others, but that "equity" considerations suggest the importance of local sponsors' contributions to covering reasonable project costs. She indicated that her agency might be able to contribute up to \$1 million toward passage projects in the flood control channel, but that the SCC board will want to see an equitable contribution by local agencies. Eric Cartwright made the point that such projects as fishways and screens would have been less expensive to install originally, with the construction of the diversion facilities, but that such projects were not then required by regulatory agencies.

Gordon Becker reviewed Leah Mahan's description of the manner in which NOAA Fisheries is likely to administer monies available from Bay Bridge mitigation. He circulated a draft letter from the Workgroup to NOAA Fisheries in which the Workgroup requests a higher award limit than the currently proposed \$500,000 limit. The Workgroup agreed to send the letter and to request an award limit of \$2 million to cover the potential difference between the estimated cost of the \$1135 project and the amount provided by the Corps, ACFCWCD and ACWD. Laura Kilgour will sign the letter for the Workgroup.

*Water Bond Initiative.* Lisa Sheldon described to the Workgroup the background of the Northern & Coastal California Water Bond Coalition. In response to strong organizational and lobbying efforts by southern California water agencies, organizers approached 31 northern and coastal California counties about participating in a coalition to lobby for bond monies for water projects in these areas. All of the counties are participating in the process and many have submitted funding needs collected in package containing about \$22 billion of potential project spending. Only a small portion of these projects would be funded by Proposition 50 if approved by voters, but Lisa cited the likelihood of future water bonds that could support additional water projects. Organizers are currently in the process of prioritizing funding needs, including a series of regional meetings. Workgroup members were invited to attend these meetings and to contact Lisa for information.

*Draft Restoration Action Plan.* Eric Cartwright said that Chuck Hanson is currently in the process of responding to comments on Alameda Creek habitat studies. These studies will be incorporated into the draft Restoration Action Plan when they are delivered to CEMAR. CEMAR requests that comments on proposed changes to the *Plan* be submitted electronically or in writing so that Workgroup consensus is accurately portrayed in the document's revision.

*Levee Reconfiguration.* Brenda Buxton stated that the lands necessary for the levee reconfiguration project are in public ownership. ACFCWCD, DFG, the Coastal Conservancy and the U.S. Fish and Wildlife Service intend to meet in September to determine next steps in the process. Money to support restoration projects would be available if Proposition 50 is passed by voters.

*Next Workgroup Meeting.* The next meeting of the Workgroup is scheduled for Monday, September 16<sup>th</sup>, at 9:30 a.m. at ACFCWCD. The agenda will include an update on SFPUC scheduling estimates for restoration-related activities and a statement on NMFS/DFG policy regarding trap and haul on Alameda Creek resulting from the agencies' upcoming meeting.

Workgroup members are invited to submit additional agenda topics to CEMAR for inclusion in the agenda, which will be circulated prior to the meeting.