

# Alameda Creek Fisheries Restoration Workgroup

## Minutes of Meeting

September 16, 2002

Alameda County Public Works Agency

### Attendees

Pete Alexander	EBRPD
Gordon Becker	CEMAR
Brenda Buxton	State Coastal Conservancy
Eric Cartwright	ACWD
Erika Cleugh	DFG
Bill DeJager	U.S. Army Corps
Tyson Eckerle	U.S. Army Corps
Dennis Gambs	Zone 7 Water Agency
Craig Hill	ACWD
Ralph Johnson	ACFCWCD
Laura Kilgour	ACFCWCD
Jeff Miller	ACA
Josh Milstein	S.F. City Attorney's Office
Stuart Moock	PG&E
Anna Roche	SFPUC
Steve Rothert	American Rivers
Brain Sak	SFPUC
Carla Schulteis	ACFCWCD
Judy Sheen	U.S. Army Corps

### **Announcements**

Erika Cleugh announced her departure from DFG in December. Erika will continue to be in contact with the Workgroup until her departure. Margaret Roper will likely attend future Workgroup meetings.

### **Agenda Items**

*Policy Advisory Committee.* Carla Schulteis reviewed the attendance at last week's initial meeting of the Policy Advisory Committee (PAC). Management staff from ACFCWCD, ACWD, SFPUC and Zone 7 Water Agency were represented, along with Andy Gunther from CEMAR. The PAC will: 1) develop joint planning principles for the watershed as a prelude for formalizing working relationships, 2) advocate at the senior management level as necessary, and 3) consider any issues that the Workgroup requests the PAC consider. The PAC will also work with elected officials to develop policy.

According to Carla and Andy, the PAC is committed to supporting the Workgroup and keeping it informed of PAC deliberations. It is likely that the PAC will seek a meeting with the U.S. Army Corps division office to make the case for §1135 funding. Stuart Moock mentioned that PG&E staff may attend PAC meetings in the future.

*Trap and Haul.* Erika Cleugh read a statement from Kevan Urquhart stating that budget constraints facing DFG are preventing full consideration of a trap and haul program on Alameda Creek. She, Gary Stern, Kevan and Krissie Atkinson have discussed such a program and have related the substance of their conversation to their managers in Long Beach (NOAA Fisheries) and Sacramento (DFG). A policy statement regarding the program is expected in early October, though it is unlikely that permitting and agency agreements will be in place in time for trap and haul activities to occur this winter.

Gordon Becker related a conversation he had with Gary Stern wherein Gary stated a general agreement amongst the regulators that trap and haul is appropriate in the current situation. NOAA Fisheries and DFG staff are aware in particular about precedent setting (as trap and haul is generally undesirable as a passage solution) and the necessity of such a program including a "sunset clause" to acknowledge a timetable for implementing long-term passage solutions such as barrier removals and fishway installations.

Jeff Miller stated the position of his members desiring a short-term solution for the passage issue. Josh Milstein expressed the SFPUC's concern about the implications of trap and haul, saying that the City would need protection from potential "take" issues should the program occur. Jeff then suggested that the Workgroup issue a policy statement regarding fish passage for the purpose of responding to possible criticism should in-migrants be found at Alameda Creek barriers again this winter. This issue will be further discussed when DFG and NOAA Fisheries announce their policy on trap and haul.

*§1135 Process.* Bill DeJager introduced U.S. Army Corps staff, Judy Sheen and Tyson Eckerle, associated with the §1135 Process. Judy stated that a site visit had occurred, and that her work on the Project Management Plan (PMP) is nearly complete. Scopes of work and cost estimates related to the PMP are expected shortly, with completion of a draft PMP to follow within a month. Division approval of the PMP is the next milestone for the project.

*SFPUC Activities.* Josh mentioned that SFPUC restoration planning is somewhat dependent on the fate of Proposition A on the November ballot in San Francisco. Also, water supply issues such as the size of a repaired or replaced Calaveras Dam and proposed legislation allowing SFPUC clients to form a financing authority will affect SFPUC planning for Alameda Creek. Josh stated that the many elements of regional water supply planning imply that an Integrated Resource Plan is likely to be needed, and that growth inducement issues will need to be addressed in subsequent environmental review.

Josh noted that reporting to the Division of Safety of Dams is on-going and that the SFPUC is considering possible dam sites should Calaveras replacement be necessary. He believes that the largest possible reservoir size under consideration is 400,000 acre-feet. He reminded the Workgroup that the SFPUC is deciding strategy regarding "front-loading" of mitigation into Capital Improvement Program (CIP) planning versus using such projects as SFPUC dam removals (i.e., Niles, Sunol, possibly Upper Alameda Diversion Dam) as mitigation measures for environmental review purposes. He stated optimism that construction could begin in 2005, in keeping with the proposed schedule for barrier mitigation in lower Alameda Creek. Josh also said that monitoring of riparian area conditions associated with the Niles and Sunol Dams removal projects may be part of the CIP. The SFPUC may post the scope for the Habitat Conservation Plan concerning the Alameda Creek watershed on the Workgroup website.

Brain Sak told the Workgroup that spawning surveys in tributaries to San Antonio and Calaveras Reservoirs will be performed in 2002-2003. Also, an additional migrant trap will be added in Indian Creek this season. In fall 2003, the SFPUC expects to electrofish tributaries to provide information on juvenile *O. mykiss* in these systems.

*Proposed Quarrying Activities.* Jeff Miller updated the Workgroup on the status of proposed hard rock quarrying in the Apperson Ridge area in the San Antonio Creek watershed. Environmental review for this project was completed in the 1980's, with additional analysis in 1992. Since that time, several biological setting issues have changed that should be examined in a supplemental EIR, according to Jeff. He asked Workgroup members to contact Alameda County should their agencies want to see further exploration of environmental impacts associated with the quarrying. Bill DeJager mentioned that creek crossings potentially necessary as part of the project would require U.S. Army Corps review and approval.

*Re-graded Channel Alternative Study.* Brenda Buxton told the Workgroup that a consent item for \$100,000 to be awarded to a CEMAR-led consulting team will go before the Conservancy board in late September. The grant would fund a study to develop a conceptual design and perform feasibility analysis for re-grading the channel in the vicinity of the BART weir rather than installing a fishway at the site.

Craig Hill cited concerns that water supply effects on ACWD would not be adequately addressed by such a study, leading to incomplete feasibility analysis. In response to this concern, Craig and Eric Cartwright agreed with Gordon Becker to provide CEMAR with an estimate of the costs of producing a screening level analysis of water supply impacts. Gordon mentioned that the scope of work, as proposed, does not include such analysis, but that the report would clearly benefit from additional discussion of this matter. Funding sources for this work have not yet been determined.

*Draft Restoration Action Plan.* Gordon Becker requested that the Policy Advisory Committee consider the possibility of using the *Plan* as the basis (with revision) for joint agency planning for Alameda Creek barrier removal. Environmental review could be performed on the *Plan* with one of the key stakeholders serving as lead agency or via a joint lead agency arrangement. Such an approach would allow preparation of a programmatic EIR with subsequent tiered project EIRs or Negative Declarations that could result in overall costs savings for environmental review.

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:* Carla Schulteis reported that ACFCWCD finalized the Phase 1 report for the levee reconfiguration project. Due to the fact that Cargill is selling their property to the north of the flood control channel, ACFCWCD expects that it will be able to breach the levee near Alvarado Blvd. to let flood flows enter the salt ponds in the future, thus avoiding desilting the channel in that area. ACFCWCD is meeting with representatives DFG and USFWS on September 18<sup>th</sup> to discuss the scope of work for Phase 2. The flood district applied for a 319h grant to fund Phase 3 (development of plans and specifications, environmental analysis and permit acquisition) but was denied.

*Next Workgroup Meeting.* The next meeting of the Workgroup is scheduled for Wednesday, November 13<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. At Jeff Miller's request, CalTrans will be asked to present an update of its activities in the watershed. Workgroup members are invited to submit additional agenda topics to CEMAR for inclusion in the agenda, which will be circulated prior to the meeting.