

Alameda Creek Fisheries Restoration Workgroup

Minutes of Meeting

November 13, 2002

Alameda County Public Works Agency

Attendees

Pete Alexander	EBRPD
Kristine Atkinson	DFG
Gordon Becker	CEMAR
Brenda Buxton	State Coastal Conservancy
Chris Gray	Supervisor Haggerty's Office
Andy Gunther	CEMAR
Craig Hill	ACWD
Jim Horen	Zone 7
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
Anna Roche	SFPUC
Steve Rothert	American Rivers
Brian Sak	SFPUC
Jennifer Stokes	SFPUC
Kevan Urquhart	DFG
Richard Wetzig	ACFCWCD

Announcements

Updates

Policy Advisory Committee. Josh Milstein told the group that the PAC met twice since the last Workgroup meeting. Consensus was reached by the PAC regarding a set of draft policies regarding Alameda Creek restoration, and Josh asked Workgroup members for comments on the draft guidelines. Members of the PAC met with Colonel McCormick of the Corps, who they described as supportive of the §1135 project.

Bay Bridge Mitigation Funds

Andy Gunther reviewed the contents of the memorandum regarding passage project funding. The goal of completing the table contained in the memo is to have information representing Workgroup member consensus about the "jigsaw puzzle" of funding the collection of passage projects necessary for steelhead restoration. Such information is likely to be presented in a proposal to receive Bay Bridge mitigation funds, and other proposals.

Steve Rothert described his understanding of the process by which Caltrans mitigation funds will be distributed, including the following features:

- \$500K limit per proposal

- Eligible projects south of the Richmond-San Rafael Bridge
- RFP anticipated in February/March with submittal deadline three months following
- \$2 Caltrans/\$1 Project Sponsor match ratio
- "On the ground" projects except for about 15-20% for studies, monitoring, etc.
- Proposal review committee format including NOAA, DFG and other representatives

Kevan Urquhart mentioned that the DFG fish passage program coordinator had expressed that recently-received proposals for the NOAA/American Rivers program were generally low quality, and that money had accumulated for DFG funding of dam removal projects. Under this program, associated activities such as monitoring and evaluation are also eligible for funding. Steve Rothert noted the \$50K limit per project under this program.

Laura Kilgour stated that money may be available to ACFCWCD and ACWD through the recently-passed Proposition 50. Brenda Buxton offered to investigate the manner in which these funds will be distributed, and asked ACWD staff about the feasibility of attaching a "restoration fee" to ACWD water customer bills. Craig Hill responded that ACWD generally expected a "regional" source of financial support to be available to support a "regional" resource. Josh Milstein cited opportunities potentially available for project funding as part of mitigation for the SFPUC's future water projects in the watershed.

Craig also noted his position that ACWD customers will contribute to restoration costs by paying for water that goes to supporting steelhead in Alameda Creek. Brenda re-stated an earlier offer to appear before the ACWD board to discuss funding issues, and Craig responded that he will investigate this possibility. Kevan Urquhart offered to deliver typical local/state funding splits for restoration projects with which he is familiar. He suggested that his experience has been that ratepayers usually pay for the majority of such projects.

§1135Process. Jay Kinberger reviewed the §1135 process, saying that he was concerned that a recent newspaper article cited overly optimistic scheduling for activities in the process. He said that without unforeseen delays, the completion of the feasibility study could be expected in July 2005, followed by about 18 months of design and engineering. Thus, a 2007 construction start would be the earliest reasonable estimate.

He reminded the Workgroup that the process has "provisional approval" only, meaning that his staff are responding to questions regarding elements of the project. He also explained a new policy by which projects that exceed the funding "cap" must be approved by headquarters, a process that may involve additional "back and forth." Additionally, federal budget process problems are creating delays for Corps activities. He expects the Project Management Plan to be submitted to Division within about 30 days.

Jay and Brenda Buxton spoke about the possibility of sharing responsibility for environmental review of the project as a way to save money and expedite the process. This outcome will be revisited in the future.

SFPUC Activities. Brian Sak described a helicopter tour in early October that he, Tom Taylor and others took to investigate available habitat in the upper watershed. According to Brian, rearing habitat is likely to be limiting to steelhead with only about 1.1 miles of "watered" creek channel available this year. He noted that this year was drier than the average. Preliminary estimates for restoration potential were that the system in its current condition may be able to support a run of about 100 adults from some 6,000 smolts. He noted that 5 additional miles of potential habitat would be made available by removing Alameda Creek Diversion Dam, leading to an estimated run

size of about 600 adults from over 30,000 smolts. Additional information about these estimates will be prepared by Tom Taylor and presented to the Workgroup at a future date.

Josh Milstein said that Calaveras Dam is likely to be replaced at a site immediately downstream of the present dam. The new reservoir could store up to 420K AF (current storage potential is about 100K AF), and on completion could be used to deliver water to upper Alameda Creek through the existing Alameda Creek diversion tunnel. Josh also informed the Workgroup that an amendment to the RMC lease for three years of additional quarrying would include a study of water loss into the quarry as well as issues affecting threatened and endangered species in the Sunol Valley. He stated that fisheries restoration would be included in SFPUC capital program planning.

Zone 7 Update. Jim Horen discussed the proposed Arroyo Mocho inflatable dam project, saying that a mitigated Negative Declaration had been prepared for the project and was available for comment. This project would divert South Bay Aquaduct water in Arroyo Mocho into abandoned quarries recently acquired by Zone 7. The project would be sized to divert at a rate of about 100 cfs using a 3-foot rubber dam.

Jeff Miller expressed the Alameda Creek Alliance's position that the proposed project should have been the subject of an EIR due to its potential to alter a wildlife migration corridor and otherwise affect endangered species. He also stated that the process for notifying concerned parties appeared to be flawed, as he did not receive notification or have the specified amount of time to review the project and make comments. Jeff also stated concerns that the project could be used to divert local runoff in the future.

Jim said that the Zone 7 board would be acting on the environmental review at their meeting on December 18th (7:00 p.m.). The meeting will also include a presentation by Chuck Hanson about steelhead use of the area within Zone 7's jurisdiction.

Kevan Urquhart stated that the Arroyo Mocho project would require a 1600 permit (streambed alteration agreement), and that DFG has the authority to declare a project proponent's environmental review inadequate (i.e., requiring environmental review information beyond that contained in a mitigated Negative Declaration).

Agenda Items

Trap and Haul. Kevan Urquhart discussed DFG's position on trap and haul operations, restating basic concerns including:

- Altering the timing of spawning runs
- Potential for mortality
- Low passage efficiency
- Potential to divert resources away from long-term solutions
- Likelihood of human error.

Nevertheless, Kevan said that a well-designed program could be approved by DFG if it was accompanied by an MOU regarding the commitment of the appropriate parties to completing long-term passage solutions. Kevan noted the need for improved collection facilities should a program be developed, and acknowledged the value of producing additional information about habitat in the watershed. He said a plan to conduct trap and haul should indicate how the project would result in production from the fish involved.

Josh re-stated 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. He believes that trap and haul would be more appropriate in the years immediately proceeding dam removals and fishway construction to "jump start" the run.

Kevan noted that a trap and haul program would involve three elements: a Letter of Permission, a 1600 permit for installation of the fish trap (unless categorically exempted), and a collection permit. He stated that genetics investigations and rescue may be pursued without NOAA Fisheries ESA-related permits. However, he noted that Safe Harbor agreements between participants and NOAA Fisheries would be desirable.

Kevan told the Workgroup that Marty Gingras would be the new DFG contact for the group, replacing Erika Cleugh.

Next Workgroup Meeting. The next meeting of the Workgroup is scheduled for Tuesday, January 7th, at 9:30 a.m. at ACFCWCD. Tom Taylor may make a presentation about habitat in the watershed at the next meeting. Other agenda items will include information about Proposition 50 funds by Brenda Buxton and a discussion of CEMAR activities to be undertaken in 2003. Workgroup members are invited to submit additional agenda topics to CEMAR for inclusion in the agenda, which will be circulated prior to the meeting.