

**Joint Alameda Creek Fisheries Restoration Workgroup/PAC**

**Meeting Minutes**

**January 19, 2006**

**State Building, 1515 Clay Street, Oakland**

Attendees

Mike Anderson	EBRPD
Kristine Atkinson	DFG
Gordon Becker	CEMAR
Derrell Bridgman	TriValley Fly Fishers
Brenda Buxton	Coastal Conservancy
Michael Carlin	SFPUC
Eric Cartwright	ACWD
Laurel Collins	Watershed Sciences
Marcia Grefsrud	DFG
Andy Gunther	CEMAR
Laura Kidd	ACFCWCD
Mary Lim	Zone 7
Jeff Miller	ACA
Stuart Moock	PG&E
Dale Myers	Zone 7
Karla Nemeth	Zone 7
Paul Piraino	ACWD
Tim Ramirez	SFPUC
Diane Ross-Leech	PG&E
Monty Schmitt	NRDC
Carla Schultheis	ACFCWCD
Mary Selkirk	Center for Collaborative Policy
Gary Stern	NMFS
Larry Wise	ENTRIX

*ACWD status report.* Eric Cartwright reminded the group that ACWD received a Fish and Wildlife Foundation grant to develop a 150 cubic foot per second-capacity fish screen as well as an intertie pipeline at the district's lower inflatable dam. He reported that ACWD met with agency staff and prepared draft environmental review. The firm of CH2MHill is producing the designs for these facilities. Eric noted that the screen likely would remain on schedule for summer and fall installation, while the pipeline project could be delayed until the next dry season due largely to the challenge posed by passing the pipeline through the flood control channel

levees. He cited the possible benefit to EBRPD of having additional time for planning, and said ACWD would approach the Fish and Wildlife Foundation about an extension on grant spending. The agency also met with Department of Safety of Dams staff regarding the project.

Next, Eric reviewed the ACWD/ACFCWCD proposal to the state for \$11 million for “phase 2” projects. The reviewers have postponed notifying the parties who will be asked to submit detailed project proposals until early February. The agency also met with the Regional Board regarding Proposition 40 and 50 funding of up to \$5 million (of \$48 million available state-wide). Eric said he intends to submit a concept proposal through this process and will approach appropriate parties for letters of support in the future.

*Steelhead listing status.* Gary Stern described the process the federal government used to approach steelhead and resident trout listings under the Endangered Species Act. Gary noted that after reviewing the status of steelhead and Chinook salmon last year, NMFS determined that resident rainbow trout would not be listed. Rather, the distinct population segment policy will be applied to these fish in order to group populations and subpopulations for ESA purposes. Under this determination, the Alameda Creek watershed has not been included in designated steelhead critical habitat.

Gary said that juvenile steelhead/rainbow trout are considered protected under the ESA when their habitat is connected to the ocean, and that smolts are “listed” when they have anadromous parents. He also told the group that NOAA and DFG are reviewing steelhead collection and rescue practices and subsequently will issue a position statement on these issues.

Finally, Gary explained that under current policies project sponsors do not need to undertake formal ESA consultation regarding steelhead on actions affecting Alameda Creek. He said, however, that NMFS would make staff available to review projects as requested so that parties operating in the watershed would be in compliance with ESA requirements if steelhead re-access the system. Kristine Atkinson reminded the group that various Fish and Game Code sections continued to apply to the Alameda Creek fishery.

*SFPUC activities.* Tim Ramirez followed up on the ESA discussion by saying the SFPUC still was planning for the time when a steelhead population returned to the watershed. He stated that the listing process changed certain consultation mechanisms, but not the goals of his agency concerning fisheries restoration.

Tim said that the comment period of the environmental review process for the Sunol and Niles dam removals project closed, and that implementation was expected in summer of this year. He noted that some environmental permitting issues need to be resolved, and SFPUC staff are working with the State and Federal regulatory agencies to keep the project on schedule.

Tim sketched out a timeline for the SFPUC activities that would address steelhead restoration in Alameda Creek, including the Calaveras Dam Replacement project, a revised Alameda Creek Fisheries Enhancement project, the hiring of a Workgroup consultant, and the development of a Workgroup MOU. He also mentioned that while the SFPUC was continuing to develop a Habitat Conservation Plan for the Alameda Creek watershed with USFWS, the SFPUC plans to initiate a

discussion with NOAA Fisheries regarding and HCP for steelhead. Dale Myers expressed his agency's potential interest in cooperating with the SFPUC's HCP process with NOAA Fisheries. Tim views the removal of all fish passage barriers as the trigger for new water supply operations procedures in the Alameda Creek watershed. In addition, the SFPUC's \$20 million Watershed and Environmental Improvement Program (WEIP) could provide resources to support Alameda Creek steelhead restoration work. Finally, Tim said that the scope and time frame of the Workgroup MOU are open for discussion, but the intent is to formalize how the Workgroup functions and to document a process that would allow the Workgroup to hire an independent consultant to begin the flows studies.

*Flows studies scope and MOU.* The group next discussed the process by which the flows studies would be conducted. Eric Cartwright distributed a revised organization chart to facilitate this discussion. Overall agreement appeared to exist that the organization chart as modified could be incorporated into an MOU for the flows studies. The group explored the MOU at length, and decided that it should have at least the following characteristics or elements:

1. Signed by all participants including regulatory agencies
2. Acknowledges a phased approach to Master Planning and ongoing work
3. Defines roles/responsibilities for consultants, project manager, peer reviewers, and others
4. Includes a process for resolving technical and policy disputes
5. Describes decision-making and consensus rules
6. Includes off ramps and sunset clauses
7. Delineates cost-sharing
8. Indicates preference for advancing restoration through Workgroup processes

The group then agreed that a "flows group" would advance drafting of the MOU with the goal of Workgroup approval at its March 9th meeting. The water supply agencies indicated that adoption as quickly as possible was desirable and established a goal of **April-May** for "formal signing." The Workgroup indicated its desire that regulatory agencies become signatory whenever possible. The flows group members presently are Eric Cartwright, Gordon Becker, Tim Ramirez, Jeff Miller, Monty Schmitt, Dave Houts, Kristine Atkinson, and Gary Stern. Various members agreed to meet shortly to address several planning issues.

Further discussion on the Master Plan was deferred until the March meeting. Further discussion on the overall vision for the Master Plan, which began at the joint meeting in September, was deferred to the March meeting as well.

*Next steps.* The next joint Workgroup/PAC meeting will be March 9<sup>nd</sup> at 9:30. The location will be announced at least a week before the meeting. The meeting will focus largely flows studies and Master Plan processes. Workgroup members wishing to add topics to the agenda should contact Mary or Gordon.