

# UP YOUR CREEK!

## **FISH LADDER BREAKTHROUGH**

### **FLOOD CONTROL DISTRICT SUPPORTS FISH PASSAGE**

The Alameda County Flood Control District (ACFCD), which owns the drop structure that is the main migration barrier to steelhead in lower Alameda Creek, has agreed to be the local sponsoring agency for the proposed Army Corps of Engineers (ACE) restoration project. The Alliance has been meeting with ACFCD, Alameda County Water District (ACWD), and the Department of Fish and Game (DFG) as part of the Lower Alameda Creek Stewardship Committee.

ACFCD and the Coastal Conservancy will cost-share a preliminary study to answer questions about feasibility, potential salmonid habitat, water flows, and out migration issues. ACFCD will apply (likely this year) for ACE funding under Section 1135 for a restoration project to provide migratory fish passage. The Section 1135 project will take at least three years from the proposal by ACFCD until construction is completed, and fish can once again migrate into Niles Canyon and above.

ACFCD support of the steelhead restoration comes after two years of lobbying by the Alliance; including extensive press coverage of the barrier issue and fish rescue attempts; hundreds of letters and post cards mailed by community members; contacting County Supervisors, State Assembly Members and Congressional Representatives; numerous complaints filed with DFG; and support within the County by Clean Water Program Staff.

### **CELEBRATION**

**POTLUCK AND BONFIRE**

**Tuesday, May 25, 6-9 PM  
Dougherty Property, Niles Canyon**

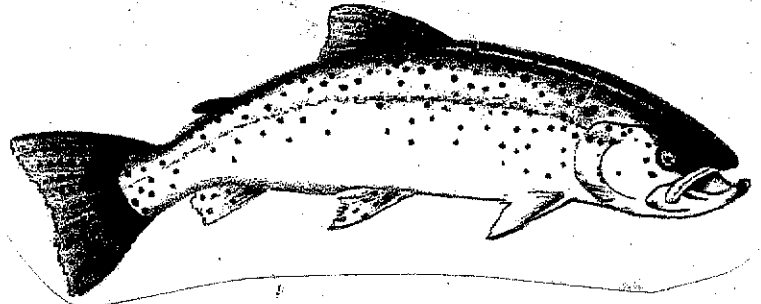
**Come celebrate our accomplishments and strategize for our future. See enclosed postcard for information and directions.**

**Celebration will replace our May meeting.**

### **WATER DISTRICT MAY GET INVOLVED**

ACWD representatives indicated that they are "committed to the process" of the Stewardship Committee, and interested in providing fish passage and restoring steelhead. ACWD owns 3 inflatable dams in lower Alameda Creek which are barriers to fish spawning migration when inflated, have de-watered the creek at critical times, and will likely cause problems for successful downstream migration of juvenile fish. ACWD has not yet agreed to be a sponsoring agency for the Section 1135 project.

ACWD may need a bit more pressure to do the right thing for the fish. DFG is now taking the restoration effort seriously, and will likely push for provisions for fish passage and fish screens on ACWD diversions. If you have not written a letter to ACWD, now is the time to write! The Alliance may soon be able to bring a citizen lawsuit under the Endangered Species Act if fish passage is not provided by ACWD (see "Coalition Will Sue to Protect California Steelhead", page 2).



### **THREATENED STEELHEAD CONTINUE TO RETURN**

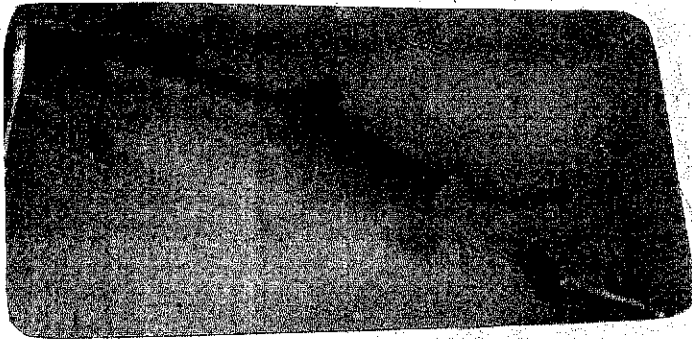
At least two schools of steelhead showed up in the creek this winter. An estimated 20-50 fish were trapped below the BART drop structure in February. Alliance volunteers, East Bay Park District biologists, and County Clean Water Program staff attempted to rescue the fish on February 23. Three fish were

netted and fitted with radio transmitters by Park District biologists (see "Stella the Steelhead" story).

Several fish evaded capture, and dozens more were seen in a large pool downstream of the barriers. These fish were presumed to have died or moved back out to the bay without having successfully spawned. The season's first fish, a lone steelhead spotted on January 28, was found dead a week later after a railroad car spilled sheetrock gypsum into the creek and ACWD dams were inflated to facilitate spill cleanup.

Three more steelhead were spotted stranded in shallow pools on March 20, below the lowest ACWD inflatable dam. The water district had cut water flows to repair the dam, and the fish were stranded for several hours. The fish later moved downstream into deeper water as flows were restored. Park District biologists were unable to locate the fish, and it is presumed they were unable to successfully spawn.

## **STELLA THE STEELHEAD**



Only three steelhead were "rescued" this winter, out of at least two schools of fish which attempted to make their spawning migration up Alameda Creek. The fish were netted on February 23 below the drop structure, and Park District biologists (under permit from DFG) surgically implanted radio transmitters in them. The smallest fish, a male, later died - whether from the surgery or from exhaustion from being trapped at the drop structure and being netted and transported, is unknown. The other two, both females, were transported upstream to lower Niles Canyon, and released. The Park District biologist then daily monitored their movements via radio transmitter.

One female had already released her eggs when she was captured below the drop structure, and

she went back downstream and was tracked all the way out to the bay. The other fish, full of eggs and named "Stella", headed upstream for glory. Stella the Steelhead is Fremont's Humphrey the Whale, only she's not lost. She knew exactly where she was going, only she couldn't get there on her own, because of the barriers in the creek.

Stella swam up Niles Canyon, likely headed for spawning habitat in Sunol. She was blocked by Sunnyside Dam at the top of the canyon, owned by the San Francisco Water Department. After a few days Stella went back downstream, and in a surprise move, headed up Stonybrook Creek, a very steep tributary stream to Alameda Creek in Niles Canyon. She had to make a several-foot jump out of Alameda Creek into a culvert under Niles Canyon Road to enter Stonybrook. The Park District biologist tracked her one mile up the canyon, in a pool full of native rainbow trout.

We have since been unable to find Stella - she either died or went back out to the bay. We hope she was able to spawn with the native trout in the pool, and we will monitor the creek for fry this spring.

## **COALITION WILL SUE TO PROTECT CALIFORNIA STEELHEAD**

A coalition of conservation and fishermen's groups, led by the Alameda Creek Alliance and the Southwest Center, filed notice of their intent to sue the federal government for failing to protect California's steelhead trout. Eight steelhead advocacy groups filed a 60-day notice letter on April 14 for failure by the National Marine Fisheries Service (NMFS) to issue protective regulations under the Endangered Species Act (ESA) for California's threatened steelhead, including those in Alameda Creek. The Coalition also includes the Pacific Coast Federation of Fishermen's Associations, the Northern California Council Federation of Flyfishers, the California Sportfishing Protection Alliance, Turtle Island Restoration Network, South Yuba River Citizen's League, and the Coastside Habitat Coalition.

While NMFS has delayed applying ESA protection to the threatened runs, steelhead continue to be killed by dams and water diversions, and habitat critical to their recovery continues to be destroyed. The notice letter documents abuses and fish kills in over 30 streams with threatened populations of steelhead since the ESA listings.

Section 4(d) of the ESA mandates that NMFS issue protective regulations for threatened species. Steelhead along the central and south-central coast were listed as threatened in August 1997, Central Valley fish were listed in March 1998. Threatened fish have no real ESA protection until NMFS issues "take" prohibitions under 4(d). Once 4(d) rules are in effect, steelhead advocacy groups will be able to bring citizen ESA lawsuits to protect threatened steelhead from "take".

The notice generated significant media coverage, and will hopefully inspire NMFS to promptly issue the 4(d) rules. Two more watershed groups have signed on since the notice letter went out. "Some streams have so few steelhead left that we've considered naming them rather than counting them," said Jeff Miller of the Alliance. Zeke Grader, spokesman for the PCFFA, said "We know from our experience with winter-run Chinook salmon that the ESA can work to protect and recover fish, but only if it is enforced - that's why we need enforcement now to begin recovery of steelhead."

A copy of the notice letter, with documentation of "take" of steelhead since the threatened listings, is available upon request.

#### **MEDIA DESCENDS UPON FISH RESCUE**



#### **ALLIANCE LOSES FIRST ROUND OF CATTLE GRAZING ISSUE**

In a setback for the environment and public process, a Superior Court judge ruled in favor of status quo grazing policies March 3 on a lawsuit challenging cattle grazing practices in 11 East Bay Regional Parks. The Alliance and the Southwest Center for Biological Diversity brought the lawsuit last October over the Park District's failure to adequately review the environmental impacts of their grazing leases. At issue was the District's compliance with the California Environmental Quality Act (CEQA).

In an unbelievable 3-sentence ruling, Judge James Richman ruled that the leases adequately addressed CEQA. The SW Center may appeal the ruling, and will likely challenge further leases as they come up for renewal. Despite the ruling, the fact remains that the Park District has never done a meaningful environmental analysis of grazing, addressed cumulative impacts, site-specific problems, or impacts on listed species. Because they hired a slick lawyer, and were able to weasel out of it this time, doesn't exempt the District from providing the public with an honest assessment of the damage cattle are doing to public lands.

The District does no CEQA analysis as leases come up for renewal, contending that they are exempt and that individual Park Land Use Plans (LUPs) and their Wildland Management Policies and Guidelines (WPMG) cover their CEQA obligations. The environmental analysis of grazing in the LUPs, is quite frankly, a bad joke. Some parks have no LUP, some are 25 years old, and some discuss grazing in one paragraph or a single sentence. The WPMG contains no site-specific analysis of grazing impacts, despite the fact that the grazed areas cover many different ecosystems. Many native species vulnerable to grazing which inhabit the grazed areas have been listed as threatened or endangered since the leases were last approved.

The public ought to have opportunity for comment as the leases come up for renewal. It's unfortunate the court didn't see it that way - it's a setback for public participation. You can write a letter to the Park District if you're concerned about cows trashing the parks, but their grazing specialist has told us he will ignore it. Unfortunately, the cowaholics who run the grazing program continue to promote cattle grazing as a "solution" for public land management. The Alliance will continue to work to change destructive grazing practices and to protect native species and habitats.

Trout Unlimited cites cattle grazing as the number one threat to remaining salmonid habitat nationwide. There are at least 14 Park District grazing leases in the Alameda Creek watershed, causing negative environmental impacts to several threatened species. We are particularly concerned about the Sunol grazing lease, which is damaging the best steelhead habitat in the watershed and impacting water quality. At least the Park District's grazing policy is consistent: the parks are full of cow pies and the environmental review process is full of bull-excrement.

## STEELHEAD CRITICAL HABITAT

NMFS has proposed critical habitat for threatened and endangered steelhead throughout the Pacific Northwest. All streams and riparian corridors in the Alameda Creek watershed are included as critical habitat, except above Calaveras Dam. The streams above Calaveras Dam should be included, since the remnants of the original steelhead run persist as landlocked trout above the dam. These fish are the genetic reservoir for a restored run on the creek. Also left out of the designation are the waters of San Francisco Bay south of the Bay Bridge, which are critical for part of the life-cycle for steelhead in Alameda Creek and other South-Bay streams. The comment period before NMFS issues a final rule has been extended to July 5. If you are interested in the fate of steelhead, contact Jeff for a copy of the proposed rule, and send in comments to NMFS.

## ZONE 7 WATER GRAB

The Zone 7 Flood Control and Water District is attempting to appropriate more water from the Alameda Creek watershed to fuel continued development in the Livermore/Pleasanton area and beyond. Zone 7 proposes to draw down Lake Del Valle from 78,000 acre-feet to 10,000 acre-feet to provide water for future customers (developers).

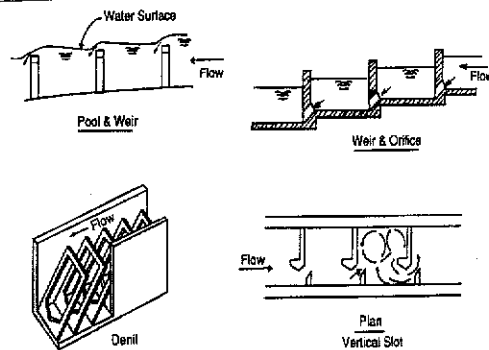
One problem with this proposal is that native fish and wildlife have prior water rights on Arroyo Valle! A condition of the original state water rights permit for Del Valle Dam and Reservoir was that live stream flow be maintained from the base of the dam downstream to the confluence with Arroyo de la Laguna. This has never been done! So Zone 7 can line up behind the steelhead for their share of the water.

The proposed draw down will also leave Park District docks and other recreational facilities high and dry and unusable. There has already been considerable opposition to the proposal, and the comment period on the Draft Environmental Impact Report has been extended. Write ASAP to Zone 7 opposing the project:

**Mr. Dennis Gamba**  
**Zone 7 Water Agency**  
**5997 Parkside Drive**  
**Pleasanton, CA 94588**

## FISH LADDER STUDY

Fisheries biologist Gordon Becker has published an abstract for the Alliance detailing specifications for a proposed fish ladder past the drop structure and the middle ACWD inflatable dam. This 17-page study details the engineering and water flow requirements for migratory fish passage at the barrier and proposes a potential design. If you would like a copy of the study, send \$3-5 to cover copying and postage, and we will mail you one.



## IS THE BERKELEY KANGAROO RAT EXTINCT?

The obscure Berkeley Kangaroo Rat (*Dipodomys heermanni berkeleyensis*) is a East Bay subspecies that may or may not be extinct. Misguided ground squirrel poisoning campaigns in the 40s and 50s by ranchers and the Department of Agriculture virtually eliminated this small hopping rodent. The last potential sightings were in the 1980s on the slopes of Mount Diablo and at San Pablo Reservoir.

The biggest current threat to the Berkeley Kangaroo Rat, if it still exists, is fragmentation of suitable habitat by development. Surveys are currently underway to see if there are remaining populations on East Bay Municipal Utilities District lands. The foremost expert on the species believes they may still persist, and that the SFWD lands around Calaveras Reservoir may have the best remaining population.

## APPEAL FOR MONEY

There are no membership fees for the Alliance, and the newsletter is free. However, we can use donations for printing, postage, and the millions of phone calls made on behalf of the fish. Checks can be made payable to the Alameda Creek Alliance.

## APPEAL FOR ARTWORK

We need artwork, original or not, for the newsletter. Also photos of the creek, historic photos, fish graphics, historical anecdotes, etc.

## OFFICE FURNITURE NEEDED

The Alliance has a new office space, and we need donated furniture. Desks, tables, chairs, file cabinets, computer equipment, couches, etc.

## SLIDE SHOW

Jeff is putting together a slide show about Alameda Creek and the steelhead restoration. We need slides or photos of the creek, fish, native wildlife, fish rescue, or historic photos.



## WEB SITE

Thank you to John Slaymaker for updating the web site. We will try to update it again in May. Visit it at [www.formulate.com/alamedaCreek/](http://www.formulate.com/alamedaCreek/).

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Alameda Creek Alliance

P.O. Box 192

Canyon, CA 94516

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web site: <http://www.formulate.com/alamedaCreek>  
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## ACA MISSION STATEMENT

The Alameda Creek Alliance is a community watershed group dedicated to preserving and restoring the natural ecosystems of the Alameda Creek drainage basin. We are primarily concerned with protecting and improving habitat for local species that are native to the area. Threatened and endangered species are our first priority.

Our initial efforts will be to help restore runs of steelhead trout and salmon attempting to ascend the creek to spawn. Our goal is to ensure self-sustaining runs of these fish. We will work to remove or modify barriers to fish migration and to supply adequate water flows for spawning, rearing and out-migration of juvenile smolts to the Bay.

Once these issues are resolved, we will work to restore and enhance fish habitat, improve water quality and prevent the habitat loss and degradation caused by development, grazing, and channelization of streams....We will monitor the public agencies involved in management of the creek to ensure that they comply with existing environmental laws and protect the public trust, by providing for protection of fish and wildlife.

The Alliance is open to anyone committed to the above goals. Participation in the Alliance is on an individual level, not as a representative of any agency, business or political group. We will work with government and private agencies interested in supporting our goals. We will monitor the public agencies involved in management of the creek to ensure that they comply with existing environmental laws and protect the public trust, by providing for protection of fish and wildlife.

We are an independent community group. Meetings are publicly announced, accessible and democratically run. We respect diversity of opinion and approaches, and will work through education, publicity, advocacy, public pressure, volunteer work and direct action.

Alameda Creek Alliance  
P.O. Box 192  
Canyon, CA 94516



Up Your Creek!! ACA Newsletter #6

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