



Alameda Creek Alliance

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October 28, 2008

President Christina Olague
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

President Ann Moller Caen
San Francisco Public Utilities Commission
San Francisco City Hall, Room 400
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Sent by U.S. Certified Mail, Facsimile (415-558-6409 and 415-554-3424), and E-Mail (c_olague@yahoo.com and acaen@sfgwater.org) on October 28, 2008

Re: Certification of Final PEIR for the SFPUC Water System Improvement Program

Dear President Olague, President Caen, and Commissioners:

The Alameda Creek Alliance (ACA) is a non-profit watershed protection group with over 1,600 members that live in or near the Alameda Creek watershed. The ACA has been working to restore steelhead trout and salmon to Alameda Creek and to protect endangered species in the Alameda Creek watershed since 1997.

The ACA has serious concerns about the adequacy of the San Francisco Public Utilities Commission (SFPUC) final Programmatic Environmental Impact Report (PEIR) that you will be asked to approve on October 30. Implementation of the SFPUC's Water System Improvement Program (WSIP) as proposed, specifically the Calaveras Dam Replacement Project (SV2) and the Alameda Creek "Fishery Enhancement" Project (SV1), will have unacceptable impacts on the native fish and wildlife of Alameda Creek, will impede restoration of steelhead trout, and will commit the SFPUC to illegally operating Calaveras Dam and the Alameda Diversion Dam, in violation of state and federal wildlife protection laws.

We have provided extensive written comments (letters of October 12, 2005, November 10, 2005, and October 1, 2007; see PEIR SI_ACA1, SI_ACA2) and oral comments on scoping for the WSIP and on the draft PEIR. You also received comments on the inadequacies of the PEIR regarding projects in the Alameda Creek watershed from the California Native Plant Society (SI_CNPS-EB2), California Department of Fish and Game (S_CDFG2), Alameda County Water District (L_ACWD), and Zone 7 Water Agency (L_Zone7).

We first approached the SFPUC in 2002, when it was announced Calaveras Dam would be rebuilt, and asked San Francisco to work with us on a Calaveras Dam Replacement project that accommodated steelhead trout restoration. The SFPUC received a letter in 2005 from 70 Bay Area conservation groups asking for specific restoration elements regarding Calaveras Dam and the Alameda Diversion Dam. Former SFPUC General Manager Susan Leal promised SFPUC staff would work with us to address our concerns. The final PEIR is disappointingly inadequate.

The Commission and the SFPUC are aware of efforts since 1997 to restore the native fisheries of Alameda Creek. San Francisco bears responsibility for many of the major impacts that led to the demise of Alameda Creek's cold water fisheries, since it owns and operates two major dams that block the best cold water fish habitat, and diverts 86 percent of the natural stream flows tributary to the Sunol Valley, with no minimum flow releases for fish and wildlife downstream. Both of these dams currently operate in violation of state wildlife protection laws and will continue to do so under the WSIP. Endangered Species Act considerations will soon require additional changes in the operations of the dams, considerations that are not adequately addressed in the PEIR.

We are deeply disappointed that most of the information and recommendations provided by the ACA, other organizations, and regulatory agencies regarding Alameda Creek fisheries were not meaningfully incorporated into the final PEIR. While the document does contain token modifications to the Calaveras Dam and Alameda Creek Fishery project descriptions, and hollow "mitigation measures" for steelhead trout that were added since publication of the draft PEIR, these changes are of questionable value and certainly do not adequately address nor fully mitigate the fisheries impacts. We incorporate and attach our comment letter of October 1, 2007, since many of the issues we raised in that letter still have not been adequately addressed.

San Francisco, which was ranked as the second greenest U.S. city in 2007, should be interested in operating an ecologically sustainable water system. The Calaveras Dam project is an opportunity to restore some portion of the creek's native fisheries, address the ongoing lack of adequate stream flows, and end decades of illegal operation of the dams. Instead, while over 15 other agencies are moving forward with Alameda Creek restoration projects to return steelhead trout to the upper watershed by 2010, before construction of Calaveras Dam is complete, you are being asked to approve a PEIR with SFPUC projects that could preclude restoration of steelhead.

The city of Los Angeles recently announced all of their new water will come from conservation and recycling, but the WSIP is sadly lacking in adequate conservation and recycling. Instead of "green" San Francisco leading the way, the PEIR authorizes additional water grabs from both Alameda Creek and the Tuolumne River. The PEIR includes two Sunol Valley projects which would make fisheries conditions worse, with proposals to divert more water from Alameda Creek. The PEIR contemplates diverting almost all of the winter and spring stream flows from upper Alameda Creek at the Alameda Diversion Dam, an operation we consider illegal.

The discussion of steelhead trout in the final PEIR is a modest improvement over the draft PEIR, which dismissed the restoration of steelhead to Alameda Creek as "speculative," but the PEIR is still inadequate for a variety of reasons, which are discussed in more detail below. The Alameda Creek Alliance supports the needed seismic upgrades in the WSIP, but unfortunately, the PEIR has not adequately assessed the impacts on fish and wildlife in Alameda Creek and does not contain meaningful mitigations for significant impacts.

We urge you not to certify the PEIR until the SFPUC addresses the Alameda Creek fishery issues. We have included suggested mitigation measures below.

Sincerely,



Jeff Miller
Director, Alameda Creek Alliance

Many of the inadequacies of the PEIR regarding fish and wildlife impacts of the WSIP, particularly on cold water fish in Alameda Creek, were discussed in our October 1, 2007 letter on the draft PEIR – that letter is attached.

Due to comments by the Alameda Creek Alliance and other organizations and regulatory agencies, the SFPUC has added some mitigation measures regarding Alameda Creek to the final PEIR. These measures rely on a future speculative conservation plan to address habitat impacts to steelhead trout and other cold water fish species, and adopt (with numerous caveats and escape clauses) an outdated minimum flow schedule that has nothing to do with anadromous fish and has not even been demonstrated to be adequate to sustain resident fish. The contemplated migration season minimum flows in the event of steelhead restoration (after the completion of the Calaveras Dam rebuild) are not based on steelhead migration needs, and these flows could be recaptured in the lower Sunol Valley, leaving potentially inadequate flows for fish out-migration to the Bay. These flows do not provide for cold water releases during the summer rearing period. The new measures do not include a contingency plan if steelhead restoration is successful and steelhead show up in upper Alameda Creek before the Calaveras Dam rebuild is completed.

The PEIR relies upon inadequate minimum flow releases from a 1997 settlement agreement with Fish and Game for steelhead mitigations. The PEIR relies on minimum flows under a 1997 Memorandum of Understanding (MOU) the SFPUC signed with the California Department of Fish and Game (CDFG). These flows were intended to create a tailwater rainbow trout fishery in a limited five mile stream reach, are not designed for steelhead trout or other anadromous fish, and are inadequate to sustain migratory fish. The PEIR offers no supporting evidence or scientific basis that these flows are adequate to support steelhead, or even adequate to sustain resident cold water fish such as rainbow trout. The Alameda Creek Alliance submitted evidence that rainbow trout are nearing extirpation below Calaveras Dam due to inadequate stream flows and high water temperatures. The contemplated minimum flows under the MOU do not provide out-migration flows for steelhead to complete their life-cycle. The PEIR acknowledges that the MOU flows are inadequate for good steelhead spawning conditions.

The PEIR improperly relies on a speculative and uncertain Habitat Conservation Plan to mitigate for impacts to steelhead. The SFPUC is developing an Alameda Watershed Habitat Conservation Plan (HCP) that will supposedly address operation of the Calaveras Dam. The mitigation measures and habitat benefits in this proposed plan are completely speculative and cannot be relied upon to reduce significant impacts. The SFPUC began this HCP in 2004 (and abandoned the effort in 2005, reviving it in 2006) - there is no guarantee this HCP will be completed in a timely fashion. It is also not certain that regulatory agencies will agree to give the SFPUC a permit to “take” steelhead under this HCP, or that the mitigation measures will in any way be adequate. The SFPUC has thus far ignored most of the comment letters and extensive information submitted by the ACA on the HCP.

The PEIR contemplates dam operations that are in violation of state wildlife laws. Despite comments on the draft PEIR by the ACA and CDFG, the PEIR omits any discussion of compliance with state Fish and Game Code Section 5937 and the SFPUC’s failure to keep trout below Calaveras and the Diversion Dam in good condition. The proposed operation of the Diversion Dam is illegal under California Fish and Game Code Section 5937. As noted by the State Water Resources Control Board in a PEIR scoping comment letter to the SFPUC dated October 3, 2005, “an appropriative water right issued by the State Water Board is also required for any increased diversion from Alameda Creek.” The proposed operation of the Diversion Dam and Calaveras Reservoir will likely lead to conflict with the requirements of the Endangered Species Act.

Mitigation Measure 5.4.1-2 (Diversion Tunnel Operation) is a meaningless measure.

Mitigation Measure 5.4.1-2 states that “the SFPUC will establish and implement written operational criteria for the Alameda Creek Diversion Dam that directs that the diversion dam and tunnel shall be operated to pass flows down Alameda Creek when diversion of those flows is not required to maintain desired levels in Calaveras Reservoir in order to provide the maximum possible days of winter and spring flows in Alameda Creek below the diversion dam.” Stating that the SFPUC will not divert the remainder of stream flows that are not diverted is a ridiculous mitigation measure. Bypassing stream flows based solely on whether or not they are needed for water supply, without regard for the instream flow needs of downstream fish and wildlife is not an adequate mitigation measure.

Mitigation Measure 5.4.5-3a (Minimum Flows for Resident Trout on Alameda Creek) is inadequate to reduce impacts to steelhead trout to less than significant and is also inadequate to sustain resident rainbow trout below Calaveras Dam. Mitigation Measure 5.4.5-3a states that the SFPUC “shall develop and carry out as part of the implementation of the Calaveras Dam Replacement (SV-2) project, an operational plan to implement minimum stream bypass flows when precipitation generates runoff into the creek below the diversion dam to the Calaveras Creek confluence from December 1 through April 30 to support resident trout spawning and egg incubation for resident trout as well as breeding habitat for other native stream-dependent amphibians.”

This measure, if properly implemented, would support resident rainbow trout spawning and egg incubation, but does not address summer rearing flows for rainbow trout. High summer temperatures and inadequate stream flow below Calaveras Dam is the most critical limiting factor for rainbow trout. In fact, because of inadequate stream flows, rainbow trout have declined dramatically in the reach below Calaveras Dam from 1998-2004.

This mitigation measure is inadequate to mitigate for the impacts of Calaveras Dam and the Alameda Diversion Dam on steelhead trout, Pacific lamprey, and chinook salmon, as it is targeting flows for resident trout, and does not provide flows for in-migration or out-migration of anadromous fish.

Mitigation Measure 5.4.5-3b (Diversion Restrictions or Fish Screens) promises to continue to illegally divert upper Alameda Creek stream flow for another decade, without necessarily bypassing flows sufficient to keep fish and wildlife downstream in good condition. Mitigation Measure 5.4.5-3b states that “if, after 10 years of monitoring results for Measure 5.4.5-3a, Minimum Flows for Resident Trout in Alameda Creek, indicate that the measure does not sustain the resident trout population in Alameda Creek below the diversion dam, then the SFPUC shall also implement additional measures as follows: either implement seasonal restrictions on Alameda Creek diversions to Calaveras Reservoir to protect the downstream resident trout fishery during the critical spawning period (December 1 through April 30) or install and operate a fish passage barrier to “screen” the diversion facility.”

This measure commits the SFPUC to diverting almost the entirety of late fall through spring flows from upper Alameda Creek at the Diversion Dam, for at least the next 10 years, a significant impact that is in no way mitigated for. The PEIR acknowledges this would nearly eliminate low and moderate (1 to 650 cfs) flows in Alameda Creek downstream of the diversion dam that currently occur when the diversion gates are closed, and substantially reduce many higher (greater than 650 cfs) flows. The PEIR would increase diversion and reduce winter stream flow up to 45% in upper Alameda Creek during wet and normal years – impacts which will significantly affect fish passage and spawning downstream. The PEIR categorizes this as a significant and unavoidable impact. We concur that the impact would be significant but the

impact is clearly avoidable if the SFPUC removes the diversion dam or operates it in a lawful manner that protects fish and wildlife downstream of the dam.

If the diversion tunnel is currently injuring or harming fish, it legally needs to be screened now, not in 10 years. The PEIR acknowledges that Fish and Game Code Section 5980 contains requirements for an intake screen or other suitable method for avoiding and minimizing fish entrainment at the Diversion Dam. The PEIR also acknowledges that the Diversion Dam could block migration to any migrating steelhead that travel upstream of the Little Yosemite area. This would be a significant impact that is not mitigated in the WSIP. If and when steelhead trout migrate upstream to the Little Yosemite and the diversion dam, the SFPUC has an obligation to ensure adequate stream flow, and a fish ladder or dam removal for fish passage at that time.

The PEIR relies on inadequate and flawed science to conclude that impacts are less than significant. The PEIR calculated flow effects in Alameda Creek only using seven years of flow data from water years 2000-2007, even though over 100 years of stream flow records are available. The PEIR model inexplicably did not include any wet year types. It also used monthly average stream flows rather than daily stream flows, a method which is not adequate for evaluating fishery impacts of flows. The PEIR uses numerous SFPUC studies that have not been released to the public or peer reviewed to support their conclusions about impacts.

The PEIR omits fisheries protections plans requested by the California Department of Fish and Game. CDFG comments on the draft PEIR and requests for fishery protection plans as part of the PEIR have been ignored. The PEIR does not include a requested plan to preserve the existing reservoir population of steelhead trout during interim operations (preconstruction) and post construction operations of Calaveras Dam. It does not include a requested plan to screen (per DFG screening criteria) at the new reservoir intake tower/adit(s) at Calaveras Reservoir and at the intake of the diversion at the Alameda Creek Diversion Dam so as to be in compliance with Fish and Game Code Section 6100. It does not include a requested plan to provide fish passage at the new Calaveras Reservoir dam and the Alameda Creek Diversion Dam so as to be in compliance with Fish and Game Code Section 5901. It does not include a requested consideration of any minimum flows from San Antonio Reservoir.

PROPOSED MITIGATION REQUIREMENTS

The Alameda Creek Alliance urges the SFPUC Commission to add the following additional mitigation requirements regarding Alameda Creek to the WSIP program before approving and adopting the WSIP and the PEIR:

Environmental Review/Permitting

- The Calaveras Dam Replacement Project Specific EIR will fully consider steelhead impacts and will assume steelhead presence by the time of construction.
- The SFPUC commits not to oppose or lobby against Army Corps formal federal consultation with NMFS on steelhead impacts for the Calaveras Dam project.
- The Calaveras Dam project EIR will consider providing fish passage at the new Calaveras Reservoir dam and the Alameda Creek Diversion Dam so as to be in compliance with Fish and Game Code Section 5901.
- The Calaveras Dam project EIR will consider minimum flows from San Antonio Reservoir as a mitigation.

Stream Flows

- The SFPUC will begin releasing minimum flows for cold water fish from Calaveras Dam beginning summer of 2009 to achieve compliance with Fish and Game Code Section 5937. The SFPUC will consult with CDFG on adequate summer and fall rearing flows and (as available) winter and spring flows beginning 2009 through the end of Calaveras construction.
- The Calaveras Dam EIR will include a guaranteed minimum flow schedule for steelhead trout and chinook salmon when the Calaveras rebuild is completed. The SFPUC will put placeholder stream flows in the EIR based on the best available science and consultation with CDFG and NMFS. These flows can be refined later based on the ongoing Alameda Creek Fisheries Workgroup flows studies and the HCP.

Alameda Diversion Dam

- The SFPUC will not operate the Diversion Dam between now and the end of construction of the Calaveras rebuild, unless the Calaveras Dam EIR has a flow schedule and mitigations for native fish and wildlife, and a planned operation schedule for steelhead, including providing for fish passage at Little Yosemite and below that is approved by CDFG and NMFS.
- The Calaveras Dam EIR will include a study of the impacts of the Diversion Dam on downstream natural resources, fish passage at the Diversion Dam (including fish ladder and dam removal options, cost analysis and effectiveness of removal versus fish screens and ladder), and impacts of removal on SFPUC water operations.
- The Diversion Dam must be operated with CDFG and NMFS agreed-upon steelhead mitigations when steelhead make it past the site of the PG&E structure in the Sunol Valley, including adequate flows for fish passage downstream. Diversion Dam removal will be on the table when steelhead make it to Little Yosemite.

Fishery Enhancement Project

- The Fishery Enhancement Project EIR specifies that no rubber dam will be constructed in Alameda Creek as part of the proposed Alameda Fishery Enhancement Project.
- The Fishery Enhancement Project EIR specifies that any diversion at the Alameda Fishery Enhancement Project will bypass all flows except summer rearing flows from Calaveras (any facility must pass all natural flow, and all spring and winter releases for steelhead in- and out-migration).

Protect Reservoir Fish

- The Calaveras Dam EIR will include a plan to preserve the Calaveras Reservoir landlocked steelhead population during dam construction.
- The Calaveras Dam EIR will specify that Calaveras Reservoir will never be evacuated to below 690 feet in elevation or to deadpool during construction.
- The Calaveras Dam project will include adequately screening all reservoir adits per

CDFG criteria

- The Calaveras Dam project will include fencing cattle from all trout spawning areas above Calaveras Reservoir and at the Arroyo Hondo outlet by the end of 2009.
- The Calaveras Dam project will include an annual bass eradication program from Calaveras Reservoir beginning in 2009.

Mitigate Other Calaveras Dam Impacts

- The Calaveras Dam project will include an annual trap and haul program to rescue stranded smolts and fry during summer in drying tributaries above Calaveras Reservoir and move some of these fish downstream of the dam, once Calaveras Dam is rebuilt.
- The Calaveras Dam project will include woody debris placement and stream habitat enhancement downstream of Calaveras Dam, subject to consultation with NMFS and CDFG.

Other Listed Species Impacts

- The Calaveras Dam project will not place construction borrow, stockpile or spoils areas within any endangered species habitat. Such disturbance areas will instead be located either between the current maximum restricted water surface elevation of 705 feet and the original reservoir surface elevation of 756 feet; or at off-site borrow and disposal areas that do not have impacts to special-status species or their habitat.
- The Calaveras Dam project will prioritize staging areas and haul roads that avoid or minimize impacts to special-status species and their habitat.
- The Calaveras Dam project will provide full and robust mitigation for all impacts to listed/sensitive species and their habitats.