Alameda Creek Alliance

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Caltrans District 4
Office of Environmental Analysis
Attn: Ed Pang or Kimberly Brimmer
P. O. Box 23600
Oakland, CA 94623

Re: Route 84 Safety Improvement Project

Dear Mr Pang:

These are the comments of the Alameda Creek Alliance (ACA) on the Route 84 Improvements project. The ACA is a non-profit community watershed organization with over 680 members, working to protect and restore the Alameda Creek watershed. We have been focused on restoring steelhead trout and eliminating fish passage barriers in reaches of Alameda Creek, including Alameda Creek and Stonybrook Creek in Niles Canyon, in the Route 84 project area.

We are disappointed with the process, the quality of environmental review, and the proposed design for this project. We have made every effort to discuss our concerns with Caltrans representatives about migratory fish passage at the Stonybrook Creek culvert within this project. Since 2000, I have met with, corresponded, or visited the site a half dozen times with Robert Young, Melissa Barrow, and Gary Winters of Caltrans, to try to ensure that this project includes appropriate and effective fish passage improvements. We urged Caltrans to consult with the California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS) to ensure that the project design corrected the fish passage problems at the Stonybrook Creek culvert and did not cause future fish passage concerns. To that end, we encouraged Caltrans to replace the existing box culvert with a free span or bridge, which will ensure fish passage into Stonybrook Creek, avoid hydraulic constraints that could lead to erosion or limit fish passage, and maintain a natural stream channel in Stonybrook Creek.

Until Caltrans addresses the outstanding fish passage issues and potential impacts to habitat for listed species, a Negative Declaration is inappropriate for this project. If Caltrans is unwilling to incorporate the concerns of the ACA, NMFS, CDFG, and the U. S. Fish and Wildlife Service (USFWS) into the project design, then an Environmental Impact Report should be prepared.

Sincerely,

Jeff Miller

Director, Alameda Creek Alliance

Specific comments:

Section 1.2 - Project Purpose (page 1)

One of the project purposes should be "to provide for migratory fish passage at the Stonybrook Creek culvert."

Section 1.4.1.2 - Stonybrook Creek Culvert Replacement (pages 4-5)

This section should note that the existing Caltrans culvert is a migration barrier for resident rainbow trout and anadromous steelhead trout that needs to be addressed, to comply with California Fish and Game Codes requiring fish passage and to prevent unauthorized "take" of a listed species under the federal the Endangered Species Act (ESA). The existing culvert may block fish migration and cause unauthorized take of central California coast steelhead trout, which are listed as a threatened species under the ESA, and resident rainbow trout, which are proposed for listing under the ESA.

The project proposes to modify 19 meters of Stonybrook Creek upstream of the Caltrans culvert. Adding this kind of hardscape to a natural streambed is inappropriate for a stream restoration project and is unnecessary for fish passage. An alternative design should be chosen that does not alter the streambed.

Section 1.4 – Alternatives (pages 4-6)

One of the alternatives that should be considered is replacing the existing Stonybrook Creek culvert with a bridge or free span, as suggested by the ACA and CDFG Biologist Fred Botti over 4 years ago. Caltrans has apparently not considered a free span or bridge design or has failed to discuss the reasons for considering and rejecting such a design.

Section 2.1 – Adverse Impact Determinations (pages 7-8)

This section fails to analyze adverse impacts to biological resources. The proposed project may perpetuate a migratory fish passage barrier, exacerbate erosion problems, and impact habitat for endangered species. As currently proposed, the project will definitively cause adverse impacts to biological resources.

Section 2.4 – Visual/Aesthetics Impacts (pages 12-15)

The addition of hardscape materials and altering of what is now a natural streambed in lower Stonybrook Creek will undeniably cause aesthetic impacts to Stonybrook Creek. These impacts as well as avoidance, minimization, and compensation measures need to be discussed.

Section 2.7 – Impacts to Vegetation (pages 23-26)

The project will impact 63 riparian trees along Alameda Creek, which are an important habitat component for steelhead/rainbow trout and native amphibians and reptiles. The project proposes to replace impacted riparian vegetation at a 3:1 ratio (2.7.1.2, page 25 and 2.12, page 43). Many of these riparian trees, particularly the 19 impacted sycamores, are mature trees. Caltrans should replace these mature trees at a higher ratio to compensate for the decades it will take replanted trees to mature to the size of the impacted riparian trees that currently exist. If possible, these should be older trees that are well-established, rather than seedlings. We suggest a 5:1 ratio, similar to the replacement ratio for oak woodland (2.7.2.3).

The project proposes to plant replacement riparian that cannot be accommodated onsite at an location upstream of Highway 680 owned by the SFPUC (2.7.1.2, page 25 and 2.12, page 43). This site should be identified and if it falls within SFPUC land that has an active cattle grazing lease, the project should include measures to ensure that planted vegetation will not be eaten, trampled, or destroyed by cattle. The project should also include guaranteed funding for any watering and monitoring that will be needed to ensure that replanted trees actually survive and mature.

Section 2.9.2 – Impacts to Rainbow Trout (pages 29-31)

Despite our every effort to inform Caltrans about their status in Alameda Creek, steelhead trout are not addressed in the Initial Study/Environmental Assessment (IS/EA). The rainbow trout section (2.9.2) should also discuss steelhead trout and describe the regulatory context for steelhead, which are listed under the ESA. Also, Alameda Creek and Stonybrook Creek within the project area are proposed for re-designation as critical habitat for Central California Coast steelhead trout.

This section should also note that adult steelhead moved from the lower creek channel have used Stonybrook Creek recently, and that native rainbow trout currently spawn and rear in this tributary. Steelhead trout continue to be moved into Niles Canyon in the vicinity of the Caltrans project, under permit from CDFG and NMFS. Further, projects are underway to ensure permanent fish passage for steelhead into Niles Canyon and suitable spawning and rearing habitat in Stonybrook Creek and upstream in upper Alameda Creek. The project has the potential to impact federally listed steelhead trout even if resident rainbow trout are not listed under the ESA in the future. This section should note that impeding or delaying migration is "take" under the federal ESA and that CA Fish and Game Codes prohibit maintaining in-stream fish passage barriers.

Section 2.9.2.3 – Special Enhancements (page 31)

Providing fish passage at the Stonybrook culvert should not be considered a "special enhancement," but rather is mitigation for the existing Caltrans fish passage barrier.

We have serious questions about whether the proposed double box culvert design will actually be passable to steelhead and resident rainbow trout. The NMFS comment letter of 3/10/05 on the proposed design (3.2.2, pages 51-52) concludes that the box culverts will cause hydraulic problems at the culvert exit that may compromise attraction flows for steelhead; that a proposed flow control weir upstream of the culvert may block fish migration; and that the design may cause sediment deposition that could impact fish passage. We share NMFS' concern that the proposed boulder weirs inside the culvert may not be stable under high flows and are also concerned that the proposed weirs upstream of the culvert may also be susceptible to blowout. The design leaves the potential for failure of the weirs and deposition of debris in the box culverts and the IS/EA does not demonstrate that that fish passage will not be compromised.

The channel design should be further evaluated by fish passage specialists. The effectiveness of the design should be analyzed on the basis of the range of flows under which steelhead and rainbow trout will be able to migrate through the proposed culvert. The analysis also should discuss why bridging or free-spanning the channel has not been proposed, as this is the most desirable design for providing fish passage. If a bridge design is not chosen, mitigation for not using a free-span approach should be incorporated in the environmental review.

NMFS also requested that Caltrans address erosion of the right streambank upstream of the culvert with bioengineering and improve drainage on the adjacent driveway to prevent further erosion (3.2.2, pages 51-52). The proposed design does not address these concerns and may result in streambank failure and/or deposition of debris in the box culverts, compromising fish passage.

Caltrans should explain why the free span design proposed by the ACA or the design modifications proposed by NMFS have not been adopted.

Section 2.9.3 – Impacts to California Tiger Salamander (pages 32-33)

There are known occurrences of California tiger salamander (CTS) closer than those noted by Caltrans (2.9.3.1) in Arroyo del Valle, 10 miles from the project site. Adult CTS have been found and reported to the CNDDB on Calaveras Road in the vicinity of the Sunol Water Treatment Plant, along Alameda Creek upstream of the proposed project. The USFWS (3.2.1, page 49) reports 4 CTS occurrences within 3 miles of the project site.

Section 2.9.5 – Impacts to Alameda whipsnake (pages 34-36)

Much of Niles Canyon, including the project site, is designated critical habitat for the Alameda whipsnake. The project should avoid adverse modification of Alameda whipsnake critical habitat. Caltrans has concluded that the 0.05 acres of whipsnake habitat that will be impacted by the project is insignificant and non-essential (2.9.5.2, page 35), but USFWS has determined that this habitat is part of an essential connective corridor between sub-populations (see Federal Register, October 3, 2000). Loss of this habitat is a cumulative impact and the habitat impacts must be avoided, or if it is not possible to avoid them, should be mitigated by preserving an equivalent or greater amount of whipsnake habitat.

Sections 3.1.1.1 and 3.1.1.2 – Likely to Adversely Affect (pages 45-46)

The USFWS (3.2.1, page 49) did not concur with Caltrans that the project is not likely to adversely affect the California red-legged frog, California tiger salamander, and Alameda whipsnake and requested that Caltrans provide additional information. This additional information should be included in the final CEQA/NEPA document. Caltrans notes that NMFS is likely to conclude that the project will adversely affect resident rainbow trout (3.1.1.2, page 46) and it is likely to affect listed steelhead trout also. With the current culvert design, we disagree that Caltrans can conclude the project will have an overall beneficial affect on steelhead/rainbow trout (3.1.1.2, page 46), given that fish passage is not assured.

Appendix I – List of Technical Studies

The technical studies referred to should be made available to the public for informed comment. We specifically request that Caltrans send us the following technical studies referenced in the report:
Biological Evaluation, September 2004
Natural Environment Study Report, September 2004
Stonybrook Creek Crossing Fish Passage Draft Mitigation Report, February 2005