



State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

January 18, 2008

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Oakland, CA 94605
Via Fax: (510) 635-3478

Mr. Emmanuel da Costa, Ecotoxicologist
Alameda County Flood Control &
Water Conservation District
951 Turner Court, Room 300
Hayward, CA 94545
Via Fax: (510) 670-5262

Mr. Jeff Miller, Biologist
Alameda Creek Alliance
Post Office Box 192
Canyon, CA 94516
Via Fax: (415) 436-9683

Dear Messrs. Alexander, da Costa, and Miller:

Subject: Letter of Permission for Steelhead Rescues-Alameda Creek Watershed,
Alameda County

The Department of Fish and Game (DFG) grants you authority under Fish and Game Code sections 1001, 1007, 1700, 1801-1802, and 6902, to rescue and relocate Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Oncorhynchus mykiss*) from the section of Alameda Creek located just below the Bay Area Rapid Transit and railroad crossing known locally as the "BART weir" as proposed in your "Alameda Creek Steelhead Monitoring, Transport and Radio Tagging Protocol (November 28, 2007)".

Each Chinook salmon (both ad-clipped and non ad-clipped) and any steelhead trout with its adipose fin removed (ad-clipped) will be relocated only downstream to South San Francisco Bay. DFG believes that fish restoration at Alameda Creek be focused on native species, and therefore discourages proposals to rescue non-native hatchery fish. DFG, however, encourages and applauds efforts made by the Alameda Creek Work Group to restore steelhead trout at Alameda Creek.

Conserving California's Wildlife Since 1870



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Any steelhead trout with an intact adipose fin will be assumed to be a wild fish and native to at least the Central California Coast Distinct Population Segment (DPS), if not also to Alameda Creek. These latter wild steelhead trout may be relocated, as proposed in your letter dated November 28, 2007, to upstream suitable habitat in lower Stonybrook Creek, in a plunge pool located just upstream of its confluence with Alameda Creek in Niles Canyon. DFG encourages further visual monitoring to determine whether steelhead trout are able to migrate further upstream over the PG&E crossing, and if the steelhead trout are observed to do so, DFG encourages that these specific flows be documented.

The approved methods of fish rescue are as follows:

1. Authorized methods of take are hand, beach/minnow seine, or dip nets. Seasons and size limits shall not apply. Nets shall be made from soft braided nylon and not abrasive polypropylene.
2. The methods of take in Item #1 above are not permitted for collections that could result in direct or indirect capture of any species listed under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA), other than steelhead trout (*Oncorhynchus mykiss*), nor are collections permitted within critical habitat of any other species listed under CESA or FESA, unless permittee has in possession while collecting a Fish and Game Code Section 2081 Memorandum of Understanding (MOU) pursuant to CESA, or a Federal permit for collections in areas that might affect species listed under FESA, or both an MOU and a permit for species listed under both CESA and FESA that provide for such collections.
3. You may not handle any of the fully protected species listed in Fish and Game Code Section 5050.
4. Any take of steelhead (*Oncorhynchus mykiss*), a species Federally listed as "threatened," requires written approval under FESA from the National Marine Fisheries Service (NMFS), and such approval shall be in your possession during collection.
5. While conducting the approved methods of take in Item #1 above, the following conditions also apply:
 - a. The authorized relocation site is limited to upstream suitable habitat in lower Stonybrook Creek, in a plunge pool located just upstream of its

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confluence with Alameda Creek in Niles Canyon. DFG encourages further visual monitoring to determine whether steelhead trout are able to migrate further upstream over the PG&E crossing, and if the steelhead trout are observed to do so, DFG encourages that these specific flows be documented.

- b. If there are too many fish to rescue successfully at one time, or they show signs of stress and it would be better to return them immediately to the collection site, and return to try again later, you may do so. If you have too many wild steelhead to handle, you may also choose to return Chinook salmon and adipose fin-clipped steelhead directly to their original collection location.
- c. You may spaghetti tag (only by the aforementioned three biologists) and/or fit ATS Fish External Mount Series F2000 radio tags on any adult fish rescued from Alameda Creek.
- d. Prior to handling fish, all hands and equipment shall be wetted. No fish shall be handled with dry hands or equipment.
- e. No more than three wild steelhead trout shall be relocated at a time. Relocation shall be done in a manner that minimizes stress to wild steelhead trout. If more than three wild steelhead need to be rescued and relocated, volunteers will begin transport and re-release of rescued wild steelhead as soon as the third fish is collected. Chinook salmon and adipose fin-clipped hatchery steelhead may be transported in whatever numbers any of the four on-site biologists listed in this letter deem appropriate to minimize mortality during transport.
- f. An aeration system shall be started in any live well or ice chest used for transport prior to placing fish in it to ensure that sufficient oxygen is present during the adjustment period and to minimize the build-up of toxic carbon dioxide in holding waters. The aeration rate and the number of fish in each cooler/live well shall be managed such that the dissolved oxygen concentration shall be maintained above 6 ppm.
- g. Water from the local collection site shall be used in coolers/live wells during loading and transport. Chlorinated tap water will not be used.
- h. Appropriate sized coolers/live wells shall be used in a manner that minimizes stress to steelhead trout. The container shall be able to hold at

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least four times as much water as the volume of the fish itself, along with the rescued fish (e.g., a minimum of 60+ quart/15+ gallon ice chests.)

- i. The temperature of any ice chests or live wells used to transport steelhead to release sites shall be managed at or reduced to slightly below (approximately 5 to 10 degrees) ambient water temperature. Temperatures can be reduced by floating approximately a one-half gallon bag of chloramine-free ice in each container in order to lessen the stress for fish (slightly lowered temperature slows metabolism, thereby reducing oxygen demand and ammonia production but at the same time avoiding thermal shock.)
 - j. You shall cease or not initiate any rescue efforts when water temperatures exceed 68°, as extensive sampling experience with salmonids has shown that handling stress at collection temperatures above that point results in greater than 90 percent mortality in handled fish. We recognize that such temperatures are not likely to occur in Alameda Creek until late spring.
 - k. You may weigh and measure any salmonid you collect. We recommend that fin clip samples for DNA analysis be taken only from wild steelhead, without an adipose fin-clip. These samples should be delivered to and retained by Mr. Alexander, who will forward them as soon as feasible to the appropriate lab as directed by NMFS.
6. New Zealand mud snails (*Potamopyrgus antipodarum*), an invasive species, have recently been reported to be present within the Alameda Creek watershed both upstream (located at the former Sunol Dam site in Niles Canyon) and downstream (located at the flood control channel in lower Alameda Creek) of the BART Weir. While conducting the approved methods of take in Item #1 above, you shall follow the general gear cleaning protocols in the DFG Administrative Report 2005-02: Controlling the Spread of New Zealand Mud Snails on Wading Gear (see Attachment A). You shall also follow Attachment B's "Tank Disinfection Protocol" as well as the below-stated conditions:
- a. Coolers used for transport of fish to the tank truck shall be visually inspected before fish are transported to the tank truck to prevent snails from entering the tank truck.
 - b. After that day's rescue, you shall clean all waders, nets, and other equipment used for the rescues with either a solution of copper sulfate (252 mg/L Cu), or benzethonium chloride (1,940 mg/L) following DFG's "Proposed Cleaning

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Procedure for NZMS Infested Wading Gear." (See Attachment A). After cleaning, all equipment shall be air-dried for a minimum of 48 hours before storage. Note: Formula 409 Disinfectant (50% dilution) has recently changed its formula and is no longer recommended.

- c. After that day's rescue, you shall disinfect the tank truck with chlorine solution following DFG's Tank Disinfection Protocol (see Attachment B). After disinfection, the chlorine solution shall be neutralized with sodium thiosulfite prior to discharge from the tanks unless discharge is going into a municipal sewer. Fish and Game Code Section 5650 states, "...it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of the state...any substance or material deleterious to fish, plant life, or bird life."
7. You shall notify either Ms. Kristine Atkinson, Environmental Scientist, at (831) 427-2638; or Mr. George Neillands, Senior Fisheries Biologist Supervisor, at (707) 944-5525 prior to starting any rescue operation. You will also notify DFG Dispatch by Fax at (831) 649-2986 at least eight hours prior to all fish rescue and relocation activities.
8. A report shall be submitted to DFG of any and all collections and relocations made under the authority of this Letter of Permission. This report shall be submitted within 30 days after your last rescue effort, or may be submitted more frequently if you wish. The report shall include the following information: the location, date, time and duration of the collections; the release location and time; the numbers of steelhead trout collected and released; and an estimate of any short-term/immediate mortality that resulted from the relocation. The report shall be submitted to Ms. Atkinson, Department of Fish and Game, P.O. Box 999, Santa Cruz, CA 95061-0999.
9. All rescue efforts will be under the direct supervision in the field of one of the three biologists addressed above in the Letter of Permission to ensure proper handling and disposition of the fish, and that the terms of this Letter of Permission are followed. No rescue efforts may be conducted by anyone, unless at least one of the four of the biologists is present to direct it. Unnamed public volunteers may assist in any aspect of the collections on site while under your direct and immediate supervision, but only those volunteers specifically listed in Attachment C may transport salmonids under the following section of this Letter of Permission.
10. No member of the public other than the three biologists addressed above shall transport and be in possession of any fish, except if he/she is specifically named in Attachment C to this Letter of Permission. No person who has been cited for

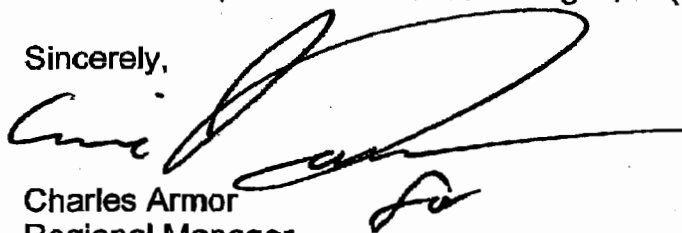
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any Fish and Game violation within the last five years may volunteer to transport fish, or be listed on Attachment C. The persons whose names, addresses, phone numbers, and drivers' licenses are listed in Attachment B may transport or be in possession of fish only for the purposes of relocating rescued fish within the Alameda Creek watershed or directly to South San Francisco Bay. These people shall have a copy of this letter and valid photo identification in possession while conducting all relocations. They will proceed by the most direct route to the release locations, without any detours, nor in any direction that could be construed as removing fish from the watershed for unpermitted purposes.

11. This letter does not provide authorization to trespass either onto private property, or that of Alameda County Parks, EBRPD, San Francisco Public Utilities Commission, Alameda County Water District, or Alameda County Flood Control District. You shall obtain authorization to enter onto the aforementioned lands by the appropriate private parties or agencies prior to all fish relocation activities.
12. This Letter of Permission shall be in your possession during all rescues, and in the possession of every volunteer in Attachment C who is relocating rescued fish to a release site.
13. This Letter of Permission shall be valid during the time period of the date of this letter through June 30, 2008.

Questions regarding this letter and further coordination on these issues should be directed to Ms. Atkinson, Environmental Scientist, at (831) 427-2638 or Mr. Neillands, Senior Fisheries Biologist, at (707) 944-5525.

Sincerely,



Charles Armor
Regional Manager
Bay Delta Region

Attachments

cc: See Next Page

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National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404-3528

Mr. Roy Torres
National Marine Fisheries Service
Special Agent
1352 Lighthouse Avenue
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Mr. Gordon Becker
Dr. Andy Gunther
CEMAR
4235 Piedmont Avenue
Oakland, CA 94611

Mr. Jonathan Nelson and Mr. Russ Bellmer
Department of Fish and Game
Fisheries Branch
Sacramento

ATTACHMENT A

Controlling the Spread of New Zealand Mud Snails on Wading Gear
California Department of Fish and Game Office and Spill Prevention and
Response
Administrative Report 2005-02
May 16, 2005

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Appendix 3.

Proposed Cleaning Procedure for NZMS Infested Wading Gear

The following procedures for cleaning NZMS infested wading gear can be followed upon exiting NZMS infested waters. Wading gear should be cleaned prior to leaving the site. If this is not possible then wading gear should be completely sealed inside of a large plastic bag and cleaned before it is used in any other waters. Three different cleaning protocols have been tested and found to be effective using specific cleaning solutions:

1) Immersion Procedure

- a. Remove wading gear upon exiting NZMS infested waters. **Avoid allowing infested wading gear to come in contact with interior surfaces of vehicles or camping gear such as tents or trailers.** NZMS can be transferred to any surface they come in contact with and they could later be transferred back to cleaned wading gear. Turn waders right side out and remove insoles from wading boots.
- b. Place waders, wading boots, boot insoles and the streambed contact end of a wading stick, if used, in a container of sufficient size to allow the gear to be completely covered by a cleaning solution.
- c. Pour sufficient cleaning solution into the container with the infested wading gear to completely cover the gear. It may be necessary to weight down the gear to ensure that it remains immersed in the cleaning solution.
- d. Allow the wading gear to remain in the cleaning solution for at least 5 minutes.
- e. Remove the wading gear from the cleaning solution one piece at a time and inspect it to make sure that all debris that could harbor NZMS has been removed from the gear as well as any NZMS that could be lodged in cracks or crevices. If necessary, use a stiff plastic bristled brush such as a kitchen brush to remove any remaining debris and mud.
- f. Rinse wading gear in clean water. **DO NOT USE WATER FROM THE NZMS INFESTED SOURCE.** This may reintroduce NZMS to the wading gear.
- g. Return cleaned wading gear to its appropriate storage container.

2) Dry Sack Procedure

- a. Remove wading gear upon exiting NZMS infested waters. **Avoid allowing infested wading gear to come in contact with interior surfaces of vehicles or camping gear such as tents or trailers.** NZMS can be transferred to any surface they come in contact with and they could later be transferred back to cleaned wading gear. Turn waders right side out and remove insoles from wading boots.
- b. Place waders, wading boots, and boot insoles into a dry sack (recommended size: 65 liter). Walking sticks will need to be cleaned separately outside of the dry sack to avoid rupturing the sack.
- c. Add 8 to 10 liters of cleaning solution to dry sack and seal dry sack.
- d. Pick up the dry sack and shake it back and forth using a rolling motion to ensure that the contents are thoroughly coated with the cleaning solution. Continue shaking for approximately 30 seconds.

- e. Let dry sack sit undisturbed for at least 5 minutes. Then repeat the shaking and mixing for another 30 seconds.
 - f. Open the dry sack and remove the contents one piece at a time and inspect it to make sure that all debris that could harbor NZMS has been removed from the gear as well as any NZMS that could be lodged in cracks or crevices. If necessary, use a stiff plastic bristled brush such as a kitchen brush to remove any remaining debris and mud.
 - g. Rinse wading gear in clean water. **DO NOT USE WATER FROM THE NZMS INFESTED SOURCE.** This may reintroduce NZMS to the wading gear.
 - h. Return cleaned wading gear to its appropriate storage container.
- 3) Spray Bottle Procedure (**Note:** this procedure has only been tested using a copper sulfate cleaning solution).
- a. Remove wading gear upon exiting NZMS infested waters. **Avoid allowing infested wading gear to come in contact with interior surfaces of vehicles or camping gear such as tents or trailers.** NZMS can be transferred to any surface they come in contact with and they could later be transferred back to cleaned wading gear. Turn waders right side out and remove insoles from wading boots.
 - b. Place waders, wading boots, boot insoles and the streambed contact end of a wading stick, if used, in a container of sufficient size to allow the gear to be easily accessed.
 - c. Using a standard 1 liter squeeze-trigger type spray bottle containing the cleaning solution, spray the wading gear to the point of saturation and runoff with the cleaning solution. Be sure to treat the inside of the wading boots as well as the outside. Use the stream setting to be sure and dislodge any debris from the wading boots. Be sure to treat both top and under side of gravel guards if they are permanently attached to the waders.
 - d. Allow the wading gear to set for at least 5 minutes with the cleaning solution on it. Remove the wading gear one piece at a time and inspect it to make sure that all debris that could harbor NZMS has been removed from the gear as well as any NZMS that could be lodged in cracks or crevices. If necessary, use a stiff plastic bristled brush such as a kitchen brush to remove any remaining debris and mud.
 - e. Rinse wading gear in clean water. **DO NOT USE WATER FROM THE NZMS INFESTED SOURCE.** This may reintroduce NZMS to the wading gear.
 - f. Return cleaned wading gear to its appropriate storage container.
- 4) Cleaning Solutions.
- a. Copper sulfate: Dissolve 3.785 grams of copper sulfate pentahydrate crystals (99.1% purity) for each gallon of solution you want to make. This will achieve a concentration of 252 mg/L of copper in the cleaning solution.

- b. **Benzethonium chloride:** Dissolve 7.57 grams of benzethonium chloride (97% purity) for each gallon of cleaning solution you want to make. This will achieve a concentration of 1,947 mg/L in the cleaning solution.
- c. **Formula 409[®] Disinfectant:** Dilute the commercially available solution 1:1 with clean water to achieve the needed concentration for the cleaning solution (i.e. 1 gallon of Formula 409[®] Disinfectant to 1 gallon of water).

ATTACHMENT B

Tank Disinfection Protocol: 200 ppm active chlorine solution

1. Determine the percentage of active chlorine in commercial liquid bleach or bleaching powder.

- a. For example, the percentage of active chlorine in store bought liquid bleach (initial volume = 5.14 L) is 6%.
- b. Calculate initial chlorine concentration:

$$6\% \div 100 \times 1,000,000 = 60,000 \text{ ppm.}$$

Conclusion: The concentration of chlorine in store bought liquid is 60,000 ppm.

2. Calculate total volume that will be treated with 5.14 L of store bought liquid bleach at a final chlorine concentration of 200 ppm

- a. Example calculation:

- 1) Variables:

Initial bleach $Volume_1 = 5.14 \text{ L}$

Initial chlorine $Concentration_1 = 60,000 \text{ ppm}$

Final $Volume_2$ treated = unknown

Final chlorine $Concentration_2$ in tank = 200 ppm

- 2) Equation:

$$Volume_1 (Concentration_1) = Volume_2 (Concentration_2)$$

- 3) Calculation:

$$5.14 \text{ L} (60,000 \text{ ppm}) = V_2 (200 \text{ ppm})$$

$$308,400 = V_2 (200 \text{ ppm})$$

$$1,542 \text{ L} = V_2$$

- b. Conclusion: One standard store bought container of bleach (5.14L) will treat 1,542 L (407 gallons) at a final chlorine concentration of 200 ppm.
- c. Adjust the foregoing calculation according to unknown variables.

3. Tank treatment

- a. Pour the bleach slowly into the tank, mixing as you pour and then fill the tank up to full capacity with clean water.
- b. Let the bleach stand in the tank for 1 hour.
- c. Completely empty the tank and rinse thoroughly with clean water.

ATTACHMENT C

Volunteers Approved to Transport Fish Under the Oversight of Biologists Listed
in This Letter of Permission

Ron Adamson
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No number
CDL# NO818922

Joshua Bradt
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Nicasio, CA 94946
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CDL# A0276401

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CDL# DO432437

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