



Alameda Creek Alliance

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January 22, 2002

Dale Myers, General Manager
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588

Dear Dale Myers:

I am writing to you representing over 1,000 Alameda Creek Alliance members and supporters in the Alameda Creek watershed, including many residents of the Livermore-Amador Valley. Our concern is the stated position of the Zone 7 Water Agency ("Zone 7") on the restoration of steelhead trout to the Alameda Creek watershed, specifically to streams in the Livermore-Amador Valley. There is extensive information indicating that Arroyo Mocho and other Livermore-Amador Valley creeks were historically steelhead streams that have subsequently been modified by the management activities of Zone 7.

Biologist Dr. Jerry Smith believes that steelhead historically had access to Arroyo del Valle and Arroyo Mocho, but that recent modification through diversions and groundwater pumping resulted in restricted migration, especially spring out-migration of smolts (Smith 1999).¹ Steelhead/rainbow trout were documented in the 1960s in Arroyo Mocho, Arroyo del Valle, and Arroyo de la Laguna, before the construction of Del Valle Dam and Reservoir, by Skinner (1962).² Multiple age classes of rainbow/steelhead trout, including young, were found in 1976 in three locations in Arroyo Mocho by the California Department of Fish and Game (Aceituno et al. 1976).³ Scoppettone and Smith (1978)⁴ reported

¹ Smith, J. J. 1999. Steelhead and other fish resources of streams of the west side of San Francisco Bay. Department of Biological Sciences, San Jose State University, San Jose, California. Unpublished report.

² Skinner, J. E. 1962. An historical review of the fish and wildlife resources of the San Francisco Bay Area. California Department of Fish and Game, Water Projects Branch, Sacramento, California. Water Projects Branch Report Number 1.

³ Aceituno, M. E., M. W. Caywood, S. J. Nocoloa, and W. I. Follett. 1976. Occurrence of native fishes in Alameda and Coyote Creeks, California. California Fish and Game 62: 195-206.

⁴ Scoppettone, G. C. and J. J. Smith. 1978. Additional records on the distribution and status of native fishes in Alameda and Coyote Creeks, California. California Fish and Game 64: 62-65.

steelhead/rainbow trout from Arroyo Mocho. And finally, reproducing rainbow/steelhead trout were found as recently as 1999 in the Arroyo Mocho gorge (ACPWD 1999; Gunther et al. 2000).⁵ I will be happy to provide copies of any of the literature cited on request.

There is evidence of historical use of tributaries to the lower Arroyo de la Laguna by steelhead trout and salmon. The East Bay Regional Park District has three photographs (which I can provide upon request) taken in the 1950s of adult steelhead trout and chinook salmon caught in Sinbad Creek, a tributary to lower Arroyo de la Laguna. There is also anecdotal evidence that adult steelhead trout historically were seen in Sycamore Creek, a tributary to Arroyo de la Laguna that runs through the Bernal property in Pleasanton. This information is anecdotal by the way of the Spotorno family, but easily verifiable. The Spotorno family has ranched and lived in upper Happy Valley for several generations.

Finally, an adult radio-tagged steelhead traveled up Stonybrook Creek in spring of 1999. Stonybrook Creek is a tributary of Alameda Creek in Niles Canyon that is apparently under the jurisdiction of Zone 7. A reproducing population of native rainbow/steelhead trout was documented in Stonybrook Creek in 1999, 2000, and 2001.⁶

Of particular relevance are the results of genetic testing of native rainbow/steelhead trout populations found in Alameda Creek, including trout from the Arroyo Mocho gorge and Stonybrook Creek in 1999 (Nielsen and Fountain 1999).⁷ According to Nielsen and Fountain, recognized experts on west coast steelhead genetics, the genetic data supports “the implementation of conservation and management of rainbow trout in the Alameda Creek drainage [this includes Arroyo Mocho and Stonybrook trout] as part of the central California coastal steelhead ESU.”

In simple terms, Arroyo Mocho fish should be considered part of the listed population of steelhead in the central California coast. A cursory knowledge of steelhead/rainbow trout biology leads to the conclusion that Arroyo Mocho trout derived from an anadromous steelhead population. Historically, migratory adults were able to sporadically access suitable spawning habitat in the upper Arroyo Mocho in occasional wet weather years. Indeed, the remaining native trout population is incontrovertible evidence of this fact. An understanding of rainbow/steelhead trout biology also informs us that this trout population

⁵ Alameda County Public Works Department (ACPWD). 1999. A look at fish populations in Arroyo Mocho, Welch, and Pirate Creeks. Alameda County Public Works Agency, Hayward, California. Unpublished data from electrofishing surveys.

Gunther, A. J., J. Hagar, and P. Salop. 2000. An assessment of the potential for restoring a viable steelhead trout population in the Alameda Creek watershed. Prepared for the Alameda Creek Fisheries Restoration Workgroup, February 7, 2000.

⁶ Sources: ACPWD 1999, East Bay Regional Park District fisheries biologist Pete Alexander, observations reported by ACA and independent fisheries biologists.

⁷ Nielsen, J. and M. Fountain. 1999. Microsatellite analyses of Alameda Creek rainbow/steelhead trout. Alaska Biological Science Center, Anchorage, Alaska.

potentially still produces anadromous offspring, which may make their way to the Bay and return to Alameda Creek as adult steelhead. It is the obligation of Zone 7 to commence studies to determine whether the Arroyo Mocho trout population still produces anadromous offspring.

We invite you to work with the Alameda Creek Fisheries Restoration Workgroup (“Workgroup”) to restore a steelhead run to Arroyo Mocho. The Alameda Creek Alliance is interested in working with Zone 7 to restore native fish populations while recognizing and preserving the other beneficial public uses of flood control and water supply, as we have been doing through the Workgroup with the Alameda County Water District, Alameda County Flood Control & Water Conservation District, and San Francisco Public Utilities Commission in lower Alameda Creek.

There is currently a planning window for Zone 7 while the Workgroup pursues restoration plans in the lower watershed. Steelhead could start moving up Arroyo Mocho in a few years when barriers in the lower creek are removed, and Zone 7 will have much less flexibility then. Our concern is that Zone 7 is pursuing management decisions which may foreclose on the future restoration of an anadromous run of steelhead in Arroyo Mocho. These include the upcoming water supply management plan, plans for construction of an inflatable rubber diversion dam in Arroyo Mocho, and potential channelization of reaches of the arroyos. Since the outcome of Zone 7's water supply management plan will affect aquatic conditions in the Arroyos for decades to come, the agency has a legal obligation to address these issues now and become serious participants in the Workgroup.

As a public agency managing the public resources of the Livermore-Amador Valley streams, Zone 7 has a public trust obligation to conserve the aquatic resources of the Arroyos, including steelhead/rainbow trout populations. Zone 7 also has an obligation to determine the effect of their current and proposed management activities on these resources.

State and federal laws, including California State Fish and Game Codes 5931 and 5937 and the federal Endangered Species Act, also require Zone 7 to conserve these aquatic resources. Substantial portions of the Arroyo Mocho, Arroyo de la Laguna, and Arroyo del Valle below Del Valle Dam were designated as critical habitat for central California coast steelhead by the National Marine Fisheries Service in 2000 (NMFS 2000).⁸

Additionally, Zone 7's water rights permit #11319 with the State Water Resources Control Board requires that “permittee shall, concordant with project operational procedures and objectives, maintain a live, flowing stream in the reach of Arroyo Del Valle from near Del Valle Dam to the USGS Gaging Station 11-1766 on Arroyo del Valle near the confluence with Arroyo de la Laguna when water stored pursuant to this permit is available.”

⁸ National Marine Fisheries Service (NMFS). 2000. Designated critical habitat: critical habitat for 19 evolutionarily significant units of salmon and steelhead in Washington, Oregon, Idaho, and California. Federal Register Vol. 65, No. 32, February 16, 2000.

The most immediate issue which needs to be addressed is barriers to migratory fish. There are three drop structures in Arroyo Mocho in Livermore that we believe are owned by Zone 7, and which may be barriers to fish migration. One structure is a 2-3' sloping drop structure under the abandoned Southern Pacific railroad crossing in Arroyo Mocho, just above the confluence with Arroyo de la Laguna. Another potential blockage is a 3-4' vertical drop structure near where Stanley Boulevard crosses Murietta Boulevard. The third is a concrete slope and energy dissipaters near where Isabel Avenue crosses the Arroyo Mocho. We request clarification from Zone 7 whether the agency owns these structures. A report on these structures with photos and a map showing locations is enclosed. There are also a number of road-crossing culverts in Stonybrook Creek under Palomares Road that have been identified as potential steelhead migration barriers, and these structures may fall under the jurisdiction of Zone 7 (Love 2001).⁹

Given all this, I was surprised by recent communication from Zone 7 stating that "in order for Zone 7 to provide full support of restoration of steelhead in the upper reaches of the Alameda Creek Watershed, we request that solid historical evidence is used to determine if there was an established steelhead run in that portion of the watershed."¹⁰ Aside from the fact that historic use of a stream is not a requirement for steelhead to be protected under state law or the Endangered Species Act, Zone 7 needs to take into account several other factors before asserting this position. These include the historical evidence already cited, Zone 7's obligations under the public trust and their state water rights permit, and public opinion. The widespread interest of local residents, who have organized themselves as "Friends of the Arroyos," suggests that Zone 7's ratepayers would support restoration of a steelhead run through the Livermore-Amador Valley.

Sincerely,

Jeff Miller, Director
Alameda Creek Alliance

cc:

Zone 7

Vince Wong
Mary Lim

⁹ Love, M. 2001. Stonybrook Creek fish passage assessment. Prepared for Alameda County Public Works Agency. April 6, 2001.

¹⁰ Statement by Mary Lim, Zone 7 Water Resources Technician, at the September 19, 2001 Workgroup meeting, and subsequent letter of September 25, 2001 from Mary Lim to Andy Gunther, coordinator for the Workgroup.
- Protecting and restoring the natural ecosystems of the Alameda Creek watershed -

Jim Horen
David Lunn

Alameda Creek Fisheries Restoration Workgroup

National Marine Fisheries Service
California Department of Fish and Game
Department of Water Resources
Alameda County Flood Control & Water Conservation District
Alameda County Water District
San Francisco Public Utilities Commission
East Bay Regional Park District

Congresswoman Ellen Tauscher

Alameda County Board of Supervisors

Friends of the Arroyos