

NATURAL HERITAGE INSTITUTE

2140 SHATTUCK AVENUE, STE. 500
BERKELEY, CA 94704-1222
(510) 844-2900
FAX: (510) 844-4428
SENDER'S E-MAIL: RRCOLLINS@N-H-I.ORG

August 14, 2000

Nina Bicknese
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Re: Draft General Re-Evaluation Report/Environmental Impact Report/Supplemental Environmental Impact Statement for Proposed Project Modifications: Guadalupe River Project (June 2000)

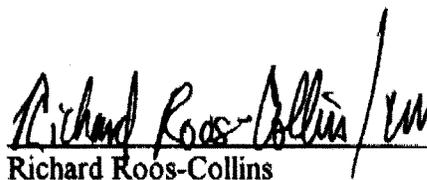
Dear Ms. Bicknese:

I attach comments by Larry Johmann, Associate Director of the Guadalupe-Coyote Resource Conservation District. Mr. Johmann submits these comments in his individual capacity.

We may submit additional comments on behalf of the GCRCDC. We request and appreciate your patience, given your August 9 deadline. A serious injury to our consultant, Dr. Li, has delayed submittal of his technical review.

Thank you.

Sincerely,


Richard Roos-Collins

Attorney for GUADALUPE-COYOTE
RESOURCE CONSERVATION DISTRICT

August 3, 2000

**Draft General Re-Evaluation & Environmental Report for Proposed Project Modification
Downtown Guadalupe River Flood Control Project**

I have reviewed the above report and offer the following comments:

The report does an excellent job of evaluating and reporting on all of the feasible options for providing flood protection, which satisfies the project's goals in the Contract 3 Reach area. These goals are protecting the area from the 1% or 100 year flood while at the same time attempting to protect environmental interests, such as aquatic resources and riparian areas while addressing the desire for trails and the recreational use of our waterways. It also does an outstanding job of addressing the detailed environmental concerns and studies performed in trying to come up with the best possible solution given the constraints imposed.

It is believed that the proposed project, recommended in the report, is most probably the best possible alternative anyone could possibly hope for given the constraints imposed, limited incised channel capacity and no feasible, cost effective way to provide flood plain relief due to development encroaching on the river.

Unfortunately the report contains some very troubling information. Although it is felt that while doing an excellent job at focusing on the Contract 3 area, problems in other section of the river have not been adequately considered or addressed. In addition, much of the information concerning fisheries, temperature, sedimentation and erosion issues is either inaccurate or based on models and simulations, which do not reflect real conditions. In view of this, it is felt that the entire project will be extremely risky and prone to failure.

Salmonids

The report contains some of the same erroneous information on south bay salmonids as has been continuously published in other documents for at least the past 20 years. There are historic records of steelhead trout and chinook, coho and chum salmon in all area streams as far back as the 1700's when the Spanish first settled the area. The first known records of salmon in the Guadalupe River come from translations of records kept by the Missionary Monks. There are numerous historical records of spring and fall run chinook salmon and fall run chum and coho salmon in our rivers during the 1800's by such noted biologists as Dr. David Starr Jordan. There are also plenty of first and second hand accounts of residents catching coho and chinook salmon in south bay waters including the Guadalupe River watershed throughout the 1900's. In 1995, 1996 and 1997 there were chinook salmon in the Guadalupe River as early as June. It is felt that these fish could have been spring run fish as June seems far too early for fall run fish. Silichip Chinook and the GCRCDC have been observing chinook salmon in our rivers for over the past 10 years.

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The FAHCE effort has documented both adult and juvenile chinook salmon and even a chum salmon in the Guadalupe River in the past few years. In addition, the statements indicating that south bay salmon could be hatchery strays or come from hatchery stock is purely speculative. A 1995 letter from Dr. J. Neilsen to L. Johmann of the GCRCD stated that genetic studies of the 1993 and 1994 Guadalupe River chinook salmon run tissues showed unique DNA markers so they could not be matched with hatchery fish. Top genetics experts in the State categorically state it is presently not possible to genetically trace the origin of chinook salmon at this time. Reference the GCRCD's comments and supporting evidence provided for the FAHCE Document.

The report doesn't take into account the fact that salmonids are in the river at all times of the year. Steelhead or rainbow trout have been observed and caught in the lower Guadalupe River at all times of the year. One man reported catching two steelhead trout just several years ago just above Taylor Street bridge, in an old hole he used to fish as a young boy. The GCRCD and Silichip Chinook observed and photographed a steelhead/rainbow trout living in Los Gatos Creek just up stream of the confluence during the summer months only two years ago. As stated above, chinook salmon have been observed in the river as early as June in three successive years. In other years they start arriving in late August, not October as many experts publications claim.

In view of the above, it is felt that our salmonids are special fish and should be recognized and treated as such. Records show salmon were in our streams before the area was settled by the Spanish and there is overwhelming evidence that they were continuously present, although in decreasing numbers, until the late 1980's when the populations started to increase. Therefore, they are as native as the native people that inhabited the area before the Spanish arrived. It is impossible for a fish to stray into the Guadalupe River or any south bay streams, as some would imply. It is a long distance from the north bay to the south bay. The south bay is muddy and shallow and there is nothing to attract the fish to our waterways. They have to fight many adverse conditions to get here. Why would any fish do that when it could take a far more desirable path and a path of least resistance and go up the Sacramento? We believe the answer is clear. They are not strays, they are fighting adversity to return to their birth streams and have adapted or are adapting to conditions in these streams.

Temperature

The report uses a lot of temperature models and tries to make predictions about future post project temperatures based on these models. Unfortunately we have little confidence in these models. Simulated river temperature data such as shown in Section 5 does not agree with measured temperatures from GCRCD temperature data loggers. For example, actual pre project temperatures in Guadalupe Creek are substantially higher than what is shown in the report and temperatures in Segment 3 are somewhat lower than what is shown in the simulations. Why are measured temperatures not shown for current conditions?

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The report states that there is very limited water temperature data available for the Guadalupe River basin. We disagree. The GCRCDD has over 5 years of comprehensive Guadalupe River temperature data and it is known the SCVWD also has temperature loggers throughout the Guadalupe River System. We agree that water temperatures could reach an average or exceed 77 Deg. F in the summer between Almaden Lake & Curtner Ave. where there is little riparian cover. But, downstream of Curtner, to I-880, the riparian habitat is better and temperatures rarely, if ever average higher than about 75 Deg. F.

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In addition, we know there is up-welling water in the many areas of the Downtown project so there could be cooler pockets in areas that may be negatively impacted by any channel armoring. There are also numerous out fall pipes contributing water to the stream from sump pump stations at lower than normal river temperatures during hot summer months, which probably tends to keep the water cooler than it otherwise would be. Also, we have observed both salmon and steelhead in our streams surviving at temperatures above what most articles indicate is unacceptable for the species. In view of the above, we are very uncomfortable with the temperature predictions being made and also feel the any substantial rise in temperature from current conditions is unacceptable.

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Sedimentation & Erosion

The report indicates that many comprehensive studies were done using models on pre and post project sedimentation and erosion predictions. Unfortunately it does not indicate that actual field data were collected to show what size sediment is being transported and at what flows. There is no indication that field data for bank and channel erosion have been gathered.

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The report states that 50,000 tons of sediments are likely to be deposited in the bypassed reaches of the river during the 100 year design flow. In addition, it states that operation of the proposed bypass system would affect sediment transport in Segments 1 and 2 where on an average annual basis almost 25,000 tons of erosion may occur. It further states that under the 100 year designed floodflow the segment of the river immediately below Coleman Ave. where the bypassed flows return to the river, may experience as much as 125,000 tons of erosion or 90 times greater than existing (1999) conditions. This is unacceptable, as it's a prediction of the failure of the overall Downtown project. The report also indicates "site inspections and recent channel cross-section surveys conducted in Segments 1 and 2 confirm that erosion of the natural channel has been occurring in this portion of the river since 1985. We disagree with the 1985 date. Photographs of the area show little, if any erosion, in the area from 1976 until 1995. The area was pretty stable until Sections 1 and 2 of the Downtown project were constructed. It was in 1995, only after project construction, that severe erosion started.

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In view of the above, it is very obvious that best of intentions and efforts in the Section 3 area will not work. Yes it may pass the design flood flows through the immediate area but the deposition of sediment in the bypassed area will degrade aquatic habitat and eventually

cause flow problems. And worst of all predicted erosion in the Segment 1 and 2 areas will cause severe impacts in those areas and areas downstream where the sediment eroded will fall out decreasing flood capacity and raising flood risk. How can this be justified?

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Navigation and Recreational Boating

Without an in depth review of the weirs or in stream structures that are proposed as part of this project it is difficult to say if our navigation concern have been satisfied. If the structures have low flow slots as described, then they should be acceptable. We do find that some of the statements in the report, with respect to boating issues, to be somewhat disturbing. The canoe club has boated the river all times of the year, so there is no particular time when it does or does not occur. We have boated the river at estimated flows from about 25 cfs to 5000 cfs. The report talks about structure maintenance at low flows which is a concern. This indicates that there will be need for constant maintenance which is undesirable for any project. The report indicates that boating in urban waters during high flows is unsafe. We believe this to be a very relative statement. Boating in the Guadalupe at any time could be extremely unsafe due to the concrete rubble with protruding rebar, obstructions, shopping carts and other garbage and human waste as well as encounters with vagrant's. We recognize that the dangers drowning due to strainers, reversals and entrapment typically increase with higher flows. However, this is also relative. People without experience or without proper equipment should not attempt to paddle the river at any flow. Teams of expert paddlers with the proper equipment and after taking the proper precautions could paddle the river a high flows with little danger. It is certainly far more dangerous to drive area freeways then paddle the Guadalupe River. The statement that boating in the Guadalupe River Park is discouraged by the City is also an item of concern. The river is a navigable stream and as such people have a right to boat it under California law. The fact that City wants to increase recreational use of Guadalupe River Park, which has a negative impact on the environment but doesn't want people to float the river is inconsistent and hypercritical. Canoeing has little environmental impact. With adequate flows when a canoe passes in the water it leaves no trace. Once on the water it requires no road or path and leave no shoe marks or tire tracks. We fully intend to exercise and protect our rights to paddle our waterways, in the courts, if necessary.

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In view of the above and the fact that there appears to be little, if any, effort to coordinate the functioning of all of the current and proposed Guadalupe River Flood Control Projects, the entire river will eventually be destroyed by these projects at tremendous cost. Perhaps its time to think out of the box and do something entirely different.

Lets scrap all of the Guadalupe River Flood Control Projects. Lets start at the top of the river and restore the natural channel to the carry the maximum flows possible using geomorphic techniques and low cost natural materials. Restoration funds could be used for this effort and it could be accomplished relatively quickly. Let's limit storm drain outflows to the river, which provide flash runoff and water volumes the river channel can't accommodate. Storm drains often don't function anyway because at high flood flows they

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are normally under water and this causes local flooding when they back up. Let's route major storm drain pipes directly to bay wetland areas which can accommodate these waters. Use the money slated for armoring the rivers for installing these storm pipes. It shouldn't be too hard to limit flows in the river to acceptable levels via the prevention of flash runoff. Even if such an effort turns out to be a bit more costly up front, it will save tons of money in constant channel maintenance work in the future. Also, if efforts are undertaken to restore or waterways they will satisfy all environmental goals being touted by regulatory agencies and efforts such as the WMI. We also believe people will be willing provide tax dollars for such an effort when they will not approve money for traditional projects.