

The letters below deal with F5C's early involvement in Codornices Creek. They shed some light on challenges that faced efforts to restore our area's only trout stream, and the role citizens played.

These are by no means the whole story. Most credit for the big projects on Codornices west of San Pablo goes to the partnership of creek-restoration pioneers Carole Schemmerling, who headed the now defunct Urban Creeks Council, and consulting hydrologist Dr. Ann Riley, whose now defunct private consulting firm Watershed Restoration Institute. The two shared offices; UCC was effectively the nonprofit arm of WRI, able to receive grants and similar government support. Credit also goes to longtime environmental visionary Richard Register, who with UCC played a large role in bringing Codornices out of its pipe between 8th and 9th Streets in 1994-5. This was one of Berkeley's pioneer "daylighting" projects.

Friends of Five Creeks

1000 San Pablo Ave.
Albany, CA 94706
412 7257
October 4, 1998

Mr. Ron Gervason
San Francisco Bay Regional Water Quality Control Board
1515 Clay St., 14th Floor
Oakland, CA 94612
rcg@rb2.swrcb.ca.gov

Re: Triannual Review of Water Quality Control Plan of San Francisco Bay Basin

Friends of Five Creeks is a grassroots organization that seeks to protect and restore creeks in Albany, California. While Albany's natural creeks are mostly in culverts, one, Codornices, is substantially free flowing and has a small trout population. Efforts are ongoing to restore another, Cerrito Creek.

We believe that the few creeks in our urbanized area that can or do support relatively natural aquatic life, especially cold-water or anadromous fish, should receive the highest possible degree of protection, including that of the Regional Water Quality Control Board. For this reason, we ask that the Board, as part of its triannual review of the Water Quality Control Plan of the San Francisco Bay Basin, establish a way include in the plan small urban creeks that either have remained substantially pristine or have been restored to a substantially natural and healthy state.

There are several reasons for this. First, creeks in an urbanized area are especially important in educating the public, including school children, about nature and its value. Second, although our creeks are small and relatively short, flowing only from the coastal hills to San Francisco Bay, it seems unreasonable to exclude a large area from the Plan because of this accident of geography. Third, degradation of water quality may be particularly likely in urban areas, and therefore urban creeks may be particularly in need of protection. Finally, these creeks deserve attention because silt and pollutants flowing from them affect significant wetlands along the Bay, which are included in the present Basin Plan.

We understand that the reason these creeks are not included in the Basin Plan is lack of staff. One possible solution is that the Board could establish criteria that citizens' groups could meet in order to establish that creeks should be included in the Plan. These might include accurate maps and evidence of water and habitat quality and fish populations. We, and other creek groups, would be happy to work with you to design such criteria.

Thank you for your attention to this proposal. Please keep us informed of Board hearings or other opportunities to comment.

Sonja Wadman, President

Friends of Five Creeks

Friends of Five Creeks

November 2, 1998

Mr. Ron Gervason
San Francisco Bay Regional Water Quality Control Board
2101 Webster St., Suite 500
Oakland, CA 94612

Dear Mr. Gervason:

This letter asks that Codornices Creek be added to the list of significant water bodies with specifically identified beneficial uses in the Central Basin, Figure 2-5. Table p. 2-15) as part of the current Triennial Review of the Water Quality Control Plan, San Francisco Bay Basin.

Codornices Creek is a year-round freshwater stream flowing from the East Bay hills to San Francisco Bay. It is the least culverted creek in Berkeley and Albany, offering (including its main forks) more than 6.5 miles of riparian habitat in this urban area.

The SFB Basin Plan's "tributary rule" gives a tributary the same beneficial as the waterbody into which it flows. Since Codornices Creek, like other creeks of Oakland, Berkeley, Albany, and El Cerrito, empties into an estuarine bay, the beneficial uses conferred by the plan are inappropriate.

The following existing and potential beneficial uses appear to be appropriate for Codornices Creek:

1. Cold freshwater habitat (existing): Codornices Creek supports small populations of trout (species unknown), ranging in size from fingerlings to greater than 8 inches, in the stretch between approximately Kains to Albina Avenues, east of San Pablo Avenue (City of Albany Watershed Management Plan, personal observation). Even in October, at the end of the low-flow period, dissolved oxygen remains consistently above 8 ppm east of 6th Street, exceeding the Basin Plan's objective of 7.0 for cold-water fisheries habitat, and temperatures do not exceed 16°C. Measured pH ranges between 7.7 and 8.3, within the Basin Plan water quality objective of 6.5 to 8.5.
2. Anadromous fish spawning (potential, possibly existing): Steelhead (*Oncorhynchus mykiss*) were observed in the lower creek in the winter of 1997-8. There appears to be no physical barrier preventing the trout in the higher portions of the creek, up to at least Albina Avenue and possibly as high as Spruce Street, from reaching the Bay in winter. Historically, steelhead as well as salmon spawned in Codornices Creek. Thus there appears to be no barrier to their re-introducing steelhead, and some may be using the creek now. In addition, the City of Albany and the University of California are in agreement on plans to restore habitat along the lower creek (west of San Pablo Avenue) by removing culverts under streets and sections of concrete-lined channel and providing a more naturally meandering creek channel (City of Albany Watershed Management Plan).
3. Freshwater replenishment (existing): Like other creeks in the area, Codornices Creek provides freshwater inflow to the San Francisco Bay estuary, and thus contributes to maintaining a healthy estuarine environment in the bay in general, and to the significant salt marsh at the creek mouth in particular.
4. Noncontact water recreation (existing): Codornices Creek is a valuable source of recreation and nature education in an urban area. The creek is the centerpiece of two large, relatively natural Berkeley parks, Codornices and Live Oak. Both have woodlands and large, heavily used, and historic picnic areas adjoining the creek. The creek flows through the Berkeley Rose Garden and crosses the beginning of the Ohlone Greenway, a heavily used urban greenway and pedestrian and bicycle trail that follows the BART tracks through Albany. Friends of Five Creeks is currently restoring this portion. The stretch of creek between 8th and 9th Streets was recently daylighted and replanted with native vegetation. It is used for recreation and relaxation by both residents of UC Graduate Student housing in adjacent Albany Village and by and users of office buildings to the south. Plans of both UC Berkeley and the City of Albany call for the remaining stretches of creek adjoining University Village to be restored with

meandering, natural channels adjoining a bicycle and pedestrian path. The City of Albany has recently constructed a trail and overlook near the mouth, where Codornices Creek empties into salt marsh.

Berkeley and Albany schools whose students use the creek for nature education include Oxford School, School of the Madeleine, St. Mary's College High School, Cornell School, and Albany Middle School.

In addition, the many homeowners along the creek's banks enjoy views and sound of the water; they landscape its banks; children build tree houses along the creek, explore up- and down-stream (including the culverts), and sail boats in creek waters.

5. Wildlife habitat (existing use): Codornices Creek, with habitat ranging from wooded hills to meadow to marsh, provides riparian habitat for a number of wildlife species.

The lower creek is frequented by marsh birds such as common egret (*Casmerodius albus*), cattle egret (*Bubulcus ibis*), and great blue heron (*Ardea herodias*). Hawks seen along the creek include red-tailed (*Buteo jamaicensis*) and Cooper's (*Accipiter cooperii*) hawks. Immature golden eagles (*Aquila chrysaetos*) and black-crowned night heron (*Nycticorax nycticorax*) or possibly American bittern (*Botaurus lentiginosus*) have been seen along the upper creek; these probably were temporary explorers. Migrant using the various riparian habitats along Codornices Creek include flycatchers (Western, *Empidonax difficilis*, probably olive-sided, *Nuttallornis borealis*, and Western wood pewee, *Contopus sordidulus*); warblers (probably yellow, *Dendroica petechia*, and orange-crowned, *Vermivora celata*); Swainsons and varied thrush (*Hylocichla ustulata* and *Ixoreus naevius*); and goldfinches and vireos (species uncertain). A few of these birds also nest along the creek. Small woodland and brush foragers along the creek include plain titmouse (*Parus inornatus*), common bushtit (*Psaltriparus minimus*), wrentit (*Chamae fasciata*), Oregon junco (*Junco oreganos*), chestnut-backed chickadee (*Parus rufescens*), ruby-crowned kinglet (*Regulus calendula*), and red-breasted nuthatch (*Sitta canadensis*). At least two kinds of swallow, violet green (*Tachycineta thalassina*) and cliff (*Petrochelidon pyrrhonota*), hunt insects in open areas along the lower creek. Three kinds of sparrows use different habitats along Codornices Creek: song sparrow (*Melospiza melodia*) higher up, and golden-crowned (*Zonotrichia atricapilla*) and white-crowned sparrow (*Melospiza melidai*) lower down. Woodpeckers along the creek include red-shafted or common flicker (*Colaptes cafer*), and downy or hairy woodpeckers (*Dendrocopos pubescens* or *villosus*), all increasingly scarce in the area since brush and snags were removed following the Oakland fire. The riparian habitat also supports such suburb-adapted birds as Allen's hummingbird (*Selasphorus sasin*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaidura macroura*), brown towhee (*Pipilo fuscus*), mockingbirds (*Mimus polyglottos*), and Steller Jay (*Cyanocitta stelleri*).

Large mammals include native raccoons, skunks, and deer and non-native opossum and fox squirrels. Endangered salt-marsh harvest mouse are moderately likely to occur near the creek mouth (City of Albany Watershed Management Plan). Western pond turtle, a federal special-status animal, has been seen in the creek (City of Albany Watershed Management Plan). Monarch butterflies frequent areas adjacent to the creek, and may roost in eucalyptus stands near the creek mouth (City of Albany Watershed Management Plan).

The Basin Plan does not include preservation of native plant species as a beneficial use, but the Codornices Creek corridor also is an important refuge for these increasingly rare urban dwellers. The creek supports areas of northern coastal salt marsh and central coast riparian scrub, considered to be sensitive and declining resources by the California Department of Fish and Game and the US Fish and Wildlife Service (City of Albany Watershed Management Plan). Native species found along the creek include coast live oak (*Quercus agrifolia*), coast redwood (*Sequoia sempervirens*), California buckeye (*Aesculus californica*), California bay (*Umbellularia californica*), big leaf maple (*Acer macrophylla*), box elder (*Acer negundo* ssp *californicum*), blue elderberry (*Sambucus mexicana*), white alder (*Alnus rhombifolia*), arroyo and red willow (*Salix lasiolepis* and *laevigata*), toyon (*Heteromeles arbutifolia*), snowberry (*Symphoricarpos mollis*), coyote bush (*Baccharis pillularis*), wild currant (*Ribes sanguineum*), spice bush (*Calycanthus occidentalis*), California rose (*Rosa californica*), California blackberry (*Rubus ursinus*), wild cucumber (*Marah* spp.) bracken fern (*Pteridium aquilinum*), Western sword fern (*Polystichum munitis*), bee plant (*Scrophularia californica*), evening primrose (*Oenanth* spp.), mugwort (*Artemisia douglasiana*), star Solomon's seal (*Smilacena stellata*), Western trillium (*Trillium ovatum*), miner's lettuce (*Claytonia perfoliata*), marsh gum plant (*Grindelia stricta*), narrow-leaved cattail (*Typha angustifolia*), California, saltmarsh, and small-fruited bulrush (*Scirpus*

californicus, *maritimus*, and *microcarpus*), umbrella sedge (*Cyperus eragrostis*), spreading rush (*Juncus patens*), and common horsetail (*Equisetum arvense*).

Thank you for your and the Board's consideration.

Sincerely,

William Capps
Karen Sorensen
Edward D. Ballman
Jessica Hamburger
William C. Springer
Ivan Sturman
Ruth N. Menikitti
(members, Friends of Five Creeks)

Friends of Five Creeks

1236 Oxford St.
Berkeley, CA 94709
May 20, 1999

Berkeley Parks and Recreation Commission
Parks and Waterfront Director Lisa Caronna

Dear Commissioners and Parks Director Caronna:

With inspiration, design, and supervision from Todd Jersey Architecture of Berkeley, Friends of Five Creeks has begun restoring the Codornices Creek crossing of the Ohlone Greenway, on the Albany-Berkeley border. We are asking your approval of some elements of this project.

Friends of Five Creeks is a volunteer organization affiliated with the Urban Creeks Council. We seek to preserve and restore the creeks and watersheds of North Berkeley, Albany, and southern El Cerrito and Richmond. The most natural, least culverted of the "Five Creeks" in this area is Codornices. Codornices has a small trout population; steelhead have been seen trying to swim upstream. It has many exciting possibilities for restoration, including planning, going on now, for a trail along a "re-naturalized" creek channel from San Pablo west to Berkeley's and Albany's new ballfields.

The previously neglected reach we are currently restoring crosses the BART right-of-way opposite 1200 Masonic, just north of the Gilman Street shopping area. (The land is owned by BART, but is maintained by city Parks Departments.) Our goal is to create an attractive rest stop for walkers and bicyclists, a showcase for the creek, and an appropriate gateway to both cities on this busy Berkeley-to-Richmond trail.

On the Albany side, volunteers cleared the carpet of English ivy, created gently terraced banks using wood chips and redwood logs, and began re-planting with drought- and shade-tolerant native plants in 1998. Planting will continue in fall, with help from Cornell School students. We also hope to install a bench with a view of the creek.

On the Berkeley side, the public creek bank is fairly narrow because a privately owned house on Masonic occupies the western portion. We hope to clear the ivy from the is shady strip this summer, and in fall plant low-growing drought- and shade-tolerant natives such as sword ferns, wild honeysuckle, native blackberry, wild strawberry, and yerba buena, with some small, open shrubs such as snowberry and native wild rose. The adjacent homeowner approves. We are asking your approval of this project, with the understanding that planting plans will be cleared with the Department of

Parks and Waterfront, and that we will maintain the area until plants are established. We will again invite local schoolchildren, probably from Jefferson and Franklin Schools, to take part.

We also are asking your preliminary, conceptual approval of replacing the ugly cyclone fence that now serves as a bridge railing with a handsome and safe railing that honors the creek. Preliminary drawings are attached. We understand that we also need approval from appropriate commissions in both Berkeley (Public Works, Civic Arts) and Albany. We expect to approach this in two phases, first installing the railing and then seeking approval and funding for creek-related art. At this time, we are asking only your approval of the railing (a handsome improvement even if the art were never installed).

Thank you for your attention and consideration.

Sincerely,

Susan Schwartz
Co-president, Friends of Five Creeks

Friends of Five Creeks

1236 Oxford St.
Berkeley, CA 94709
July 14, 1999

Mr. James Keene, City Manager
City of Berkeley
1900 Addison, 3rd Floor
Berkeley CA 94704

Dear Mr. Keene:

As a group dedicated to protecting and restoring local creeks, we are concerned that three separate sewer leaks are draining raw sewage into Codornices Creek -- Berkeley's most "daylighted" creek, its only trout stream, and a creek flowing through numerous back yards and two major parks used by several hundred children in summer programs every day.

The most upstream leak, at 2645 Shasta, we understand was found about a week ago and is not yet fully repaired; nearby leaks may exist. For this leak, the city posted warning signs along the creek in Berkeley, but not, we believe, in Albany.

The second leak, eruptions from the clean-out at Bridge #2 in Codornices Park flowing directly into the creek, was reported to the city about a month ago. We believe the city did try to remove the blockage, but did not check to see whether it had succeeded. Eruptions continued, as shown in the toilet-paper trail in the attached photo, taking July 8; there have been others since. The city also took no action to secure the loose cap on the cleanout, which is regularly removed by children and/or knocked off by the eruptions.

The third leak, which has turned the "upper glade" at Codornices into a swamp, also was reported to the city weeks ago, apparently with no action taken. At least one city employee stated that it was probably a spring -- an unlikely conclusion, as large springs rarely appear suddenly during our rainless summers.

We feel that the following are essential:

- Sewage leaks into Codornices or Cerrito Creeks should be reported to the other cities on those creeks.
- The city should immediately secure the cap on the clean-out at Bridge #2, so that it cannot be removed by children. Reconstruction of this sewer should make it impossible for overflows to go directly into the creek -- for example, the cleanout might be moved or replaced with a manhole with a bolted cover.
- The city should give top priority to immediately replacing the old sewer lines along Codornices Creek. Essentially, all these leaks have the same cause -- the sewer lines are very old and located in a slide area. We understand that these

lines can be replaced with larger-diameter plastic pipe using internal methods that do not require trenching. This work should begin this summer.

- The city should re-examine and improve its system for dealing with reports of possible sewer leaks.

Thank you for the city's prompt attention to this urgent problem.

Sincerely,

Susan Schwartz,
Co-president, Friends of Five Creeks

cc: Mayor Shirley Dean; Councilmember Betty Olds; Berkeley Public Works Director & Commission; Berkeley Parks Director & Commission; Judy Lieberman, City of Albany; Loretta Barsamian, Executive Officer, RWQCB

Friends of Five Creeks

1236 Oxford St.
Berkeley, CA 94709
September 29, 1999

Mr. Ed Murphy
City of Berkeley Dept. of Parks & Waterfront
201 University Ave.
Berkeley, CA 94710

Re: Proposed Mitigated Negative Declaration, Harrison Street Playing Fields & Codornices Creek Improvement Project

I urge approval of both the Harrison Street Playing Fields & Codornices Creek Improvement Project and the draft Mitigated Negative Declaration regarding the project. The negative declaration appears to me to accurately outline the project's potential environmental impacts and ways to mitigate them.

In addition to providing badly needed sports facilities, this project presents Berkeley with a unique opportunity to create a handicapped-accessible pedestrian and bicycle path along a half mile of restored creek. The path, connected to the Ohlone Greenway via Dartmouth Street with a light at San Pablo, would let children reach the planned fields safely by foot, bicycle, or skateboard. The path also would link naturally (via 8th and Jackson Street) to the large park on Albany Hill and the planned trail along adjacent Cerrito Creek. Codornices Creek, now open but partly bound in a straight, concrete channel, would be given a natural meander with native vegetation to minimize erosion and provide shade and habitat for birds and other wildlife. A small marsh would provide habitat for frogs (which would otherwise be displaced). The improved channel would provide more favorable conditions for the few trout already in the creek, and for the steelhead occasionally spotted trying to make their way upstream.

This project is not everything a lover of nature could want. Before European settlement, Codornices Creek in this area poured over a large moist grassland in winter, apparently with no fixed channel to the tidal slough located about where the freeway is now. At best, the project will represent this wetland with a small marsh, and with opportunity for storm flows to briefly flood the playing fields. And although the *quality* of habitat may be improved, there still will be a net loss of habitat *quantity* (due to elimination of the Codornices Creek bypass channel, the freshwater marsh along drainage ditches by the railroad, and the brush-overgrown University Village community garden).

However, the project is about as good as one could hope for in a city. Tests for pollutants in air, soil, and the creek found none at levels of concern, except for possible localized concentrations that can be managed by excavating contaminated soil. Working with Codornices Creek is always difficult because it is a boundary between two cities. (That is why it is less culverted than other creeks.) This project was worked out in a spirit of cooperation among the

cities of Albany and Berkeley, the University of California, environmental groups, and users of the planned sports facilities.

In Berkeley's early days, the city unwisely passed up opportunities to create creekside greenways. We should not pass up this unique second chance for our children and grandchildren.

Sincerely,

Susan Schwartz
Co-President, Friends of Five Creeks

Sent on Urban Creeks Council letterhead

May 11, 2000

Chancellor Robert Berdahl
University of California Berkeley
200 California Hall,
Berkeley, CA 94720 - 1500

Dear Chancellor Berdahl:

More than 15 years ago, a \$15,000 Chancellor's Grant kicked off restoration of Strawberry Creek on the UC Berkeley campus. Five years ago, UC Berkeley became a partner with Albany, Berkeley, El Cerrito, Richmond, and the East Bay Regional Park District in the Joint Watershed Goals Statement, calling for "Putting creeks in restored channels up in the sunshine where they can be enjoyed by people and wildlife" and "Restoring creek corridors as natural transportation routes with pedestrian and bicycle paths along creekside greenways."

UC Berkeley now has an opportunity to continue this tradition of environmental sensitivity and foresight in the restoration of Codornices Creek next to University Village.

Codornices is Berkeley's and Albany's least culverted creek, most intact creek. It is the cities' only creek with a population of threatened steelhead (*Oncorhynchus mykiss*). Hundreds of volunteers have shown the public's interest by their work "daylighting" the reach between Eighth and Ninth Streets. The redevelopment of University Village presents an unparalleled opportunity to restore almost a half mile of this urban creek, with a regional pedestrian/bicycle trail connecting the Ohlone Greenway to the Bay Trail.

Representatives of the University, the Cities of Albany and Berkeley, and sports-field and creek-support groups have met for over a year to plan a project that would restore the creek to health from San Pablo to the railroad tracks, provide streamside habitat and a pedestrian/bicycle trail, and handle floods (as called for in the E.I.R. for the University Village Master Plan). The project has received well over \$200,000 in financial support from the Coastal Conservancy and the San Francisco Foundation.

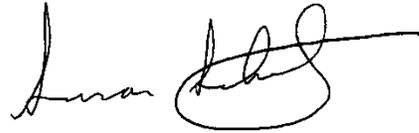
The E.I.R. for the University Village Master Plan says that the University will support (though not pay for) feasible restoration plans for Codornices Creek. However, the University's current proposal would straitjacket the creek in a riprapped channel for a block and a half, allow only a five-foot trail squeezed dangerously between fence and steep bank in one block, and provide no trail at all in the two blocks between Ninth and San Pablo. The University also has refused to include in meetings the citizens groups that have been part of planning from the beginning.

Please continue UC Berkeley's positive environmental record by assuring that redevelopment of University Village includes adequate right of way for a creek channel with pools, riffles, meanders, and riparian vegetation to support creek life, and a safe and inviting pedestrian/bicycle corridor.

Sincerely,



Carole Schemmerling, Bay Area Coordinator
Urban Creeks Council of California



Susan Schwartz, President
Friends of Five Creeks

cc: Mayor John Ely, City of Albany; Darren Fields, Albany City Manager; Mayor Shirley Dean, City of Berkeley; James Keene, Berkeley City Manager; Keith Lichton, Regional Water Quality Control Board

Friends of Five Creeks

*Preserving and restoring
creeks and watersheds of
North Berkeley, Albany,
Kensington, and El Cerrito*

1236 Oxford St.
May 18, 2000

Berkeley, CA 94709

510 848 9358

f5creeks@aol.com

Mayor Shirley Dean
Members of the City Council
1900 Addison
Berkeley, CA 94704

Dear Mayor Dean and City Council Members:

This letter asks your support for item 59 on the May 23 Council agenda, asking that a group meet with UC Berkeley Chancellor Robert Berdahl to get restoration of lower Codornices Creek back on track.

This project has broad and informed support:

- The Parks and Recreation Commission referred the item to you. The Urban Creeks Council, Berkeley Path Wanderers, and Friends of Five Creeks support it.
- A task force from Berkeley, Albany, UC Berkeley, and interested citizens' groups has been meeting for more than year to plan the restoration and adjacent greenway.
- The Coastal Conservancy has granted more than \$200,000 to plan the restoration and creekside trail, which would be handicapped accessible, provide safe ways to kids to get to the ball fields and skate park and beautiful walks for the elderly and families with strollers, but link the Ohlone Greenway to the Bay Trail.
- With these grants, Albany retained the internally known restoration consultant Ann Riley of Waterways Restoration Institute. It is Riley that has pointed out that the University's current proposal would require a straight channel, armored with rock, along about two blocks.

With regard to objections raised at the last Council meeting by L.A. Wood, it is true that this area was originally a large moist grassland, perhaps with no permanent creek channel. However, there is no realistic possibility of restoring those conditions. This project is about the best that can be expected. Riley's designs would create a channel in dynamic equilibrium – solving flood and erosion problems without rigid rock and concrete walls, and

providing the pools, riffles, meanders, and shade needed by stream life. Berkeley's and Albany's ball fields will serve as flood plains, storing water from larger floods (and not incidentally protecting the 6th and Harrison homeless shelter).

Legitimate questions remain, with logic on both sides, about the area below 6th Street, where Albany hopes to build its ball fields. There are questions about whether and when the University should replace the newer apartments in the Village, some of them very close to the creek. However, these are not relevant here. We are asking the University to provide adequate right of way for restoration and a pedestrian/bicycle trail above Sixth Street, and we are asking only that the long-term plan for the apartments provide adequate right of way for creek restoration and a trail -- not that the University tear them down now. Please help us get this project back on track.

Sincerely,

Susan Schwartz
President, Friends of Five
Creeks

*Preserving and restoring
creeks and watersheds of
North Berkeley, Albany,
Kensington, and El Cerrito*

Friends of
Five Creeks

1236 Oxford St.
April 7, 2000

Berkeley, CA 94709

510 848 9358

f5creeks@aol.com

Mr. Gary Hernandez, Chair
California State Coastal Conservancy
1330 Broadway, 11th floor
Oakland CA 94612-2530

Re: Proposed grant to City of Albany for Lower Codornices Creek restoration and greenway

Dear Mr. Hernandez:

As a citizens group working for the preservation and restoration of Codornices and nearby creeks, Friends of Five Creeks hopes you will support restoration of Codornices Creek west of San Pablo Avenue, with a creekside pedestrian and bicycle trail.

Codornices is Berkeley's and Albany's least culverted creek, and opportunity like this, to restore almost a half mile of riparian habitat, does not come often in cities. There are many benefits to this project: habitat for frogs and birds; lessening of siltation and pollution in the Bay; environmentally friendly flood control; recreation for the elderly, the disabled, and people with strollers and bicycles; a chance for children to learn about nature; a trail linking regional north-south trails.

In addition, we recently confirmed a factor that gives restoration of this creek added urgency. Trout have been seen repeatedly in at least five spots along the creek. On March 16, with the help of Dr. Tom Dudley of UC Berkeley (who has the required permits) we briefly "electrofished," caught one of these fish. We identified it as *Oncorhynchus mykiss*, steelhead or rainbow trout. (The two are indistinguishable; from the same clutch of eggs, some fish may go to sea and become steelhead while others remain in fresh water as smaller rainbows). Of course, we do not know whether any of the trout we have seen will eventually go to sea. However, the trout in the creek are of various sizes. Steelhead have been seen stemming the current. And there are no apparent barriers to migration between the Bay and the long culvert where the creek crosses Hopkins Street. Thus the simplest explanation for these fish seems to be that at least in some years, steelhead ascend the creek and successfully reproduce.

It is exciting, a great gift, and a responsibility, to have this threatened species in a small urban creek. Some of the implications will not become clear until regulations for the fish are issued, perhaps in June. But one is that if steelhead can survive in this small creek, with all the insults it has suffered, there is a bright future for creek and habitat restoration in cities. We do have a second chance to undo some of the damage we have done, and restore a bit of the wild. I hope you will help us by approving this grant.

Sincerely,

Susan Schwartz
Co-President, Friends of Five Creeks

Friends of Five Creeks

Preserving and restoring creeks of North Berkeley, Albany, Kensington, & El Cerrito
1236 Oxford St. Berkeley, CA 94709 510 848 9358 f5creeks@aol.com

March 30, 2000

Mr. Keith Lichten
Regional Water Quality Control Board
1515 Clay St., Suite 1400,
Oakland, CA 94612

Ms. Susan Gloekler, Ms. Sherry Christensen
Game Wardens
PO Box 47
Yountville, CA 94599

Ms. Becky Tuden, WTR-8
US Environmental Protection Agency, Region 9
75 Hawthorne St.
San Francisco, CA 94105

Mr. Clyde Davis
US Army Corps of Engineers
Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

Mr. Gary Stern
National Marine Fisheries Service, SW Region
777 Sonoma Ave., Rm. 325
Santa Rosa, CA 95404

This letter is to notify you regarding the apparent presence of a significant, reproducing population of steelhead (*Oncorhynchus mykiss*) in Codornices Creek, on the Albany/Berkeley border, in Alameda County, California.

Members of Friends of Five Creeks, and creek neighbors, have for some time seen what appeared to be trout, in significant numbers and varying sizes, in Codornices Creek above San Pablo Avenue and below Gilman Street -- specifically at Albina, Acton, the Ohlone Greenway, below Masonic, and near Cornell Street. On the advice of Margaret Roper, a biologist for the California Department of Fish and Game, we asked a professor with an electrofishing permit to briefly "shock" the creek in order to identify these fish.

On March 16, 2000, Dr. Tom Dudley, lecturer and research assistant in Integrative Biology at UC Berkeley, used his electro-fishing rig in Codornices Creek at the Ohlone Greenway (BART right of way), opposite 1200 Masonic. We saw several trout ranging in size from about 4 to about 10-12 inches. We briefly shocked, netted, photographed, and then released the one shown in the attached photograph. This was a rainbow trout or steelhead (*Oncorhynchus mykiss*).

Since the trout are of varied sizes, it seems likely that they are reproducing in the creek. It is impossible to know whether any of these fish will be anadromous. However, large steelhead have been seen stemming the current below San Pablo Avenue. There is no barrier between Gilman Street and the Bay that would

deter steelhead at high flows. Thus the simplest explanation seems to be that at least in some years, steelhead have ascended the creek and reproduced successfully.

My understanding is once steelhead are identified, we cannot electrofish or otherwise disturb them. Thus further investigation, including genetic testing, should be done by an appropriate agency. Please contact me if we can help.

The presence of a significant steelhead population in this small, urbanized creek has a number of implications that are optimistic for the species. Most immediately, however, it affects what should be required of construction projects and the treatment of insults to the creek, such as pumping of mud from flooded construction sites into the creek, the recent temporary near-dewatering of the creek below the bypass at Sixth Street, and utilities' practice of hosing concrete dust into storm drains that flow to the creek.

Future flood control and restoration projects should provide habitat suitable for steelhead. This should be taken into account in considering the University of California's plans at University Village and related construction of ballfields in that area, which will affect approximately a half mile of the creek channel. In this connection, it may be appropriate to revisit the University's 1997 Environmental Impact Report for University Village and Albany/Northwest Berkeley, whose conclusions regarding biological resources, and anticipation of "creek restoration principally for open space/recreational use, not for the enhancement of wildlife values," may be inappropriate.

Thank you for your attention and for taking these fish into account in future regulatory decisions.

Sincerely,

Susan Schwartz
co-president, Friends of Five Creeks
510 848 9358
f5creeks@aol.com

cc William Knight, Department of Public Works, City of Berkeley; Ann Chaney, Department of Community Development, City of Albany; Ellen O'Leary, Capital Projects, UC Berkeley; Urban Creeks Council



Note: F5C 2001 letters are lost

Feb. 27, 2002

Sara Denzler, Program Coordinator
State of California
Department of Water Resources
Division of Planning and Local Assistance
Urban Streams Restoration Program
P.O Box 942863
Sacramento, California 94236-0001

Re: Application for Grant Funds for Restoration of Codornices Creek

Dear Ms. Denzler:

This letter is intended to support the City of Albany and Waterways Restoration Insitute's application for grant funding for the restoration of Codornices Creek. The restoration is being planned for the reach San Pablo Avenue and the Southern Pacific Railroad tracks, along the boundary between the Cities of Berkeley and Albany. The Friends of Five Creeks has been involved in planning this project; we offer our support of the project without reservation. We are very excited about this opportunity to restore a natural creek within a heavily developed urban setting.

The Friends of Five Creeks is a community-based citizens organization that has been involved in monitoring, cleaning and restoring creeks in this area for many years. We look forward to the improvements that will result from this project and plan to be involved in the implementation and long-term monitoring and maintenance of the creek.

Sincerely,

Susan Schwartz, President
Friends of Five Creeks

June 5, 2003

Grizzly Peak Fly Fishers
P.O. Box 153
El Cerrito, CA 94530

Dear Members and Officers of Grizzly Peak Fly Fishers:

I am writing to ask you to send a brief letter to the State Fish and Game Commission supporting the request from Urban Creeks Council, Friends of Five Creeks, and Friends of Sausal Creek, to close Codornices and Sausal Creeks to fishing. The public can request such changes only once every two years; our next opportunity is the Commission's August 1 meeting.

As you know, these are small urban creeks with significant reaches open to the public. Their small populations of native *Onchorhynchus mykiss* (steelhead or rainbow trout) cannot withstand the fishing pressure that could easily be brought to bear, as their existence becomes better known. We feel that while catch-and-release fishing would work in theory, the best protection is simple "no fishing" rules and signs. Only the State Fish and Game Commission can make such rules.

As you probably know, the state regulations close nearby Wildcat and Redwood creeks, for similar reasons. The need is even greater for smaller, more urban creeks, given a large public with little knowledge of fishing regulations and techniques, and no rangers or wardens to enforce rules. We need signs, public pressure, and the ability to tell people they should not fish.

I am attaching our letter to the State Fish and Game Commission. Also attached is a draft letter you can use or rewrite as you like.

Thanks for any help.

Sincerely,

Susan Schwartz, president
Friends of Five Creeks

cc: Ivan Sturman

California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Request to close Codornices and Sausal Creeks, Alameda County, to trout fishing

Dear Commissioners:

As a group of enthusiastic fishers and lovers of the outdoors, Grizzly Peak Fly Fishers enthusiastically supports the request that you close Codornices Creek in Berkeley and Sausal Creek in Oakland to fishing for trout and steelhead.

Even more than nearby Wildcat and Redwood Creeks, which are closed to fishing, these smaller, highly urbanized creeks cannot realistically be expected to withstand the fishing pressure of a large surrounding city. A clear "no fishing" message is the best protection for these fish, exposed in urban parks to many

people who have little or no knowledge of fishing regulations or understanding of techniques like catch-and-release.

Many thousands of dollars of state funds, and many hundreds of volunteer hours, are being poured into restoring these creeks. Making it possible to post “no fishing” signs is a basic step in this effort.

Sincerely

May 28, 2003

Sgt. Chris Carmine
Alameda County Fish and Game Commission
c/o Alameda County Sheriffs Office of Emergency Services
4985 Broder Blvd.,
Dublin, CA 94568

Dear Sgt. Carmine and Commissioners:

We are writing to ask that you write the State Fish and Game Commission to support our request to ban trout fishing on two small, highly urbanized creeks, Codornices in Berkeley/Albany and Sausal Creek in Oakland.

As the attached letter to the state Fish and Game Commission shows, this request is being made by Friends of Five Creeks and Friends of Sausal Creek, both volunteer creek-restoration groups, along with the Urban Creeks Council, an umbrella nonprofit organization helping many similar volunteer creek groups throughout the state.

To summarize, we feel that closure is the only effective protection for the small trout populations in these creeks, for the following reasons:

- These creeks are small (flowing only from the Berkeley/Oakland hills to the Bay), located in densely populated cities, and open to the public along significant reaches. Their small trout populations, protected before mostly by the fact that no one knew about them, could easily be destroyed by urban fishing pressure.
- These small trout populations are become better known, largely due to creek restoration efforts and opening of creekside trails – the projects on which our volunteers are spending thousands of hours, and the state many thousands of dollars. This exposure is putting the trout at risk; our photos of dead and wasted fish show one result.
- These creeks will not be re-stocked by Fish and Game or patrolled by wardens who could enforce catch-and-release or other limitations. The most effective protection would be “no fishing” signs, public education, and public pressure.
- The trout in these urban creeks have great educational value for long-term wildlife protection and sport fishing itself – people who see trout in their city really are motivated to care about wildlife, water quality, and restoration.

Thank you for considering this request.

Sincerely,
Susan Schwartz, President
Friends of Five Creeks



Friends of Five Creeks

Preserving and restoring watersheds of North Berkeley, Albany, Kensington, and south El Cerrito and Richmond
1236 Oxford St. Berkeley, CA 94709 510 848 9358 f5creeks@aol.com www.fivecreeks.org

January 5, 2004

Beth Pollard, City Administrator
Mayor and Councilmembers
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Dear Mayor Ely, City Administrator Pollard, and Council Members:

Thank you again for your support of Friends of Five Creeks' petition to the State Fish and Game Commission asking that Codornices Creek be closed to fishing, to protect the resident rainbow trout or steelhead (*Onchorhynchus mykiss*) from the fishing pressure possible in a city.

The Commission voted December 16 to close both Codornices and Pinole Creeks to fishing. The change will go into effect this year, with the next set of fishing regulations.

I don't think our small group could have achieved this alone. Thanks again.

Sincerely,

Susan Schwartz, President
Friends of Five Creeks

March 8, 2004

Ms. Ann Chaney, Director of Community Development
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Dear Ann:

Thank you for the opportunity to comment on the Draft Mitigated Negative Declaration for the Lower Codornices Creek Improvements Plan. I have the following minor comments:

Initial Study, p. 50 and Biological Assessment, p. 13: The California Fish and Game Commission voted in December 2003 to close Codornices Creek to trout fishing (superceding the requests of Albany and Berkeley). This makes it possible to post "no fishing" signs on the creek. The text should be updated, and posting of "no fishing" signs should be included as an additional mitigation measure to be taken if needed. (Signs are recommended in the Biological Assessment but not the Initial Study).

Biological Assessment p. 12, and elsewhere, e.g. Wetland Assessment and Delineation: The project no longer includes culverting of the bypass and lower segment of Village Creek. These references should be eliminated or a note added indicating that these have been deleted.

Biological Assessment p. 14: There also are sculpins in the creek (I have a dead one in my freezer, found in the pool above 9th Street) and probably California roach as well. They are not special-status, but if folks are going to try to save three-spined sticklebacks, they may as well try to rescue these fish, too. I would rephrase to say that efforts will be made to save as many native fish as possible, or practical, in addition to steelhead.

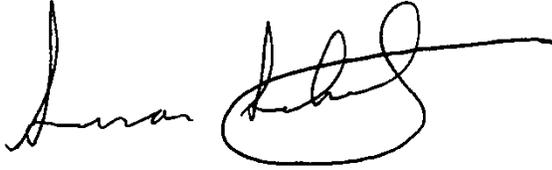
Biological Assessment, Appendix A, Plant Species List: Although there are no native plant species of concern, restorationists are increasingly attempting to preserve genetic diversity and locally adapted genotypes. Plants growing along riparian lowlands in the East Bay may be useful in this respect - for example, the plant list mentions *Fraxinus*; I don't know of another ash along nearby creeks. It would be useful and gracious to make some attempt to preserve or salvage natives that might be eliminated by the project, and/or to preserve large native trees (such as the box elder at 10th Street Alley) if no costly alteration in plans is required. For example, the project might contact Native Here Nursery, the California Native Plant Society East Bay Restoration Team, and/or Friends of Five Creeks about possible salvage just before construction begins.

Cultural Resources p. 8. One further cultural resource probably should be mentioned. Codornices Village (today's University Village) was historically important in providing housing for WWII shipyard and other civilian workers. It pioneered in racial integration. During World War II, the Shipyard Railway, taking workers from Oakland, Berkeley, and Codornices Village to the Kaiser shipyards in Oakland was cobbled together from old pilings of ferry piers and discarded street railways and transit cars. This rather amazing railroad ran a frequent schedule, crossing the creek at 9th Street and getting through nearby lowlands on an impressive S-shaped curve on pilings. In working on the creek at 9th Street, Friends of Five Creeks found and kept spikes from these rails, with the idea of someday commemorating this achievement, preferably with an interpretive sign on the creek. Information on the railway and Codornices Village may be found in *A Selective History of the Codornices-University Village, the City of Albany and Environs*, Warren F. Lee and Catherine T. Lee, published by Belvidere Delaware Railroad Co Enterprises, Ltd., 2000. Copies may be found at the Berkeley Historical Society and Albany Public Library.

Historic trivia: Although the the present railroad right-of-way appears on the 1872 map showing tidelands to be sold, and the Transcontinental Railroad was built to Oakland in the 1869, these rails ran by way of Niles Canyon. Railroad experts inform me that rails along the present Union Pacific right of way (shown on some old maps as the Northern Railway, a subsidiary of the Central Pacific) did not reach Delaware Street until 1876-7, and didn't connect farther north, i.e. through Albany and today's Richmond, until 1877 (construction) or 1878 (first train Jan 1, 1878). I welcome any further information on this point.

Thank you for considering these points.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Schwartz", with a long horizontal flourish extending to the right.

Susan Schwartz, President
Friends of Five Creeks

June 24, 2003

Ms. Loretta Barsamian, Executive Director
Members of the Board
San Francisco Bay Regional Water Quality Control Board
1515 Clay St., Suite 1400
Oakland, CA 94612

Re: Designating Codornices Creek as cold-water habitat in San Francisco Bay Basin Water Quality Control Plan

Dear Ms. Barsamian and Board Members:

We are writing once again to ask that Codornices Creek, in Berkeley and Albany, be included in the Water Quality Control Plan of the San Francisco Bay Basin as a significant body of water with cold-water fisheries as a beneficial use.

We first requested this listing in 1998 (see attachments) and again at the next review, when I spoke at the Board hearing on the plan. Staff in both cases said that they were simply too busy.

To briefly restate the case, Codornices Creek is a year-round creek with most of its length uncovered, rising from springs and runoff just below Grizzly Peak Boulevard and Berkeley. It flows into San Francisco Bay in Albany, through a small salt marsh immediately east of Golden Gate Fields racetrack. Records of water-quality testing going back to at least 1983, available on request, show reasonably good water quality with the exception of slight excesses of copper and sporadic high concentrations of fecal coliform bacteria due to sewer leaks. Except near the creek's mouth, temperatures are suitable for anadromous fish (automated and manual sampling data on temperatures available on request). While conditions for trout passage can be improved, no physical obstruction to migration exists until the creek reaches Hopkins Street in Berkeley, after which long culverts and steep gradients become a problem (data available from Kier Associates and/or Urban Creeks Council).

Groups of *Onchorhynchus mykiss* ranging in size from fingerlings to about 14" can be observed readily in the creek at a number of spots accessible to the public: between 5th and Streets, between 9th and 10th Streets, east of Masonic at the BART right of way, and at Albina Street. Neighbors also see trout regularly, and it is safe to say that many more holes exist protected in back yards, where the creek

typically flows in a shady canyon. It is not clear whether these are steelhead, rainbow trout, or both. Very large fish have been seen stemming the current, but we are unwilling to kill the large numbers of fish required for definitive otolith studies. In any case, this question is irrelevant to the Basin Plan.

Codornices Creek also has important recreational, educational, scenic, and historic value, as outlined in our previous letters. Again to summarize:

- The creek flows through or adjacent to three parks, a large high school, and the University of California's family student housing. It is heavily used by the public, including use for nature studies by various schools and youth programs.
- It has what may be the largest waterfall west of the Berkeley/Oakland hills.
- Domingo Peralta, who owned all of Berkeley and Albany prior to the Gold Rush, built his home on the creek, as did Napoleon Bonaparty Byrne, who established Berkeley's first large farming venture on the creek, and Henry Berryman, who spearheaded development of North Berkeley by persuading Southern Pacific to extend steam-train tracks to the area and establishing a reliable water supply by damming the upper creek.
- In the area of city planning, the creek was the site of Berkeley's first subdivision with streets that curved and followed contours (in 1878), and the site of Berkeley's first "nature park," a pioneering conservation effort that established Live Oak Park in 1914.

I am attaching photos of trout from the creek and results of a two years of trapping that showed significant populations of *O. mykiss*. If you require more information, please contact me.

Sincerely,

Susan Schwartz, President
Friends of Five Creeks

Attachments: photos of *O. mykiss*; trapping data; copy of March 30, 2000, letter to Board and others re electrofishing; copies of 1998 letters to Board
