



L O W E R P U T A H C R E E K C O O R D I N A T I N G C O M M I T T E E

TO: Interested Persons
FROM: Rich Marovich, Streamkeeper
DATE: February 8, 2018
SUBJECT: Agenda for Lower Putah Creek Coordinating Committee Discussion Meeting
 Thursday, February 8th at Solano Irrigation District Monticello Room
 810 Vaca Valley Parkway, Suite 201, Vacaville from 3:30 to 5:00 PM

No.	Time	Item		
1	3:30-3:40	Public Comment: The LPCCC invites public comment on matters pertaining to Putah Creek.		
2	3:40-3:45	Approval of Minutes: Minutes of the January meeting will be reviewed.		
3	3:45-4:35	The LPCCC will review:	Fish Monitoring Update – Eric Chapman	Patterned Calendar
			Wildlife Report – Melanie Truan	
			Nursery Operation Updates – Amy Williams	
			Interagency Communications - Streamkeeper	
			Riparian Diversions - Streamkeeper	
4	4:35-4:40	Prop 1 Planning Grant: Kent Anderson will give an update.		
5	4:40-4:45	Streamkeeper Report: The Streamkeeper will give a brief report.		
6	4:45-4:50	Member Reports: LPCCC members will have an opportunity to report.		
7	4:50-4:55	Correspondence: LPCCC will discuss any significant correspondence.		
8	4:55-5:00	Next Meeting: The LPCCC will hold a Decision Meeting of the Lower Putah Creek Coordinating Committee on Thursday, March 8 th at the Community Room, Davis Police Department, 2700 Fifth Street, Davis from 3:30 to 5:00 PM		

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[http:// www.watershedportals.org/lpccc](http://www.watershedportals.org/lpccc)

*The Lower Putah Creek Coordinating Committee consists of:
 Cities of Davis, Fairfield, Suisun City, Vacaville, Vallejo and Winters; Counties of Solano and Yolo;
 Solano and Yolo Riparian Landowners; Maine Prairie Water District; Solano County Water Agency;
 Solano Irrigation District; Putah Creek Council and University of California, Davis*



TO: Interested Persons

FROM: Rich Marovich, Streamkeeper

DATE: January 11, 2018

SUBJECT: Minutes of January 11 LPCCC Meeting, Winters City Hall, 3:30 to 5:00 PM

ATTENDANCE			QUORUM: YES		
Solano			Yolo		
Organization	Member	Alternate(s)	Organization	Member	Alternate(s)
SCWA	Roland Sanford	Thomas Pate	PCC	Alejandro Garcia	Valerie Whitworth
City of Fairfield	Felix Riesenber		UC Davis	Andrew Fulks	
City of Vacaville		Steve Sawyer	City of Davis	Patrick Huber	
Landowner		Dennis Kilkenny	City of Winters	Harold Anderson	
Landowner		Herb Wimmer	County of Yolo		Jessica Jones

Staff: Rich Marovich, Streamkeeper
Nicolle Herr, SCWA Intern

Public: Alan Pryor, Friends of Putah Creek
Jeff TenPas, Friends of Putah Creek
Melanie Truan, UCD Davis
Amy Williams, Putah Creek Council
John Donlevy, City of Winters
Carol Scianna, City of Winters
Mark Snyder, Solano County Water Agency
Chris Lee, Solano County Water Agency
Chris Rose, Solano RCD
Kent Anderson, Putah Creek Council
Josh Martinez, CA Department of Water Resources
Additional persons (unidentified)

Public comments

- Herb Wimmer - apologized for being absent for the past eight months but reassured the board of his commitment to the LPCCC.
- Alan Pryor - Reported on Issues from the Dry Creek to 505 and below and challenged LPCCC for having the right permits to do this work.
- Jeff Tenpas - Work was done at Putah Creek Park, presented pictures of work that was done in this area. Presented concerns on permits, soil compaction and Groundwater movement problems on phases one and two.

New members:

- There were no new members
- Valerie Whitworth was introduced as new alternate for PCC

Election of officers:

- Andrew Fulks nominated Patrick Huber to be the Chair of LPCCC
- **Motion:** Patrick Huber as chair for 2018 and Felix Riesenberg as vice chair
LPCCC board approved unanimously

Minutes of the January 11 meeting - approved unanimously

2018 Patterned Calendar for regular occurrences - approved unanimously

Update on Putah Creek Park

- Permits issues: Over 1,800 trees have been planted or naturally recruited for mitigation
- Delay cost has not been determined
- Streamkeeper presented modifications to the 2008 master plan to include a large backwater area.
- City of Winters approved the project modification
- Melanie Truan, representing the UCD Museum of Wildlife, consultants to the LPCCC - supports the modification to create the backwater area, called this location a “hotspot of diversity.” Also, presented the concern of possible lack of flow that might decline to a point where it might not be as valuable as habitat and suggested for the LPCCC to talk with a hydrologist to find a solution. The Streamkeeper explained that the River Parkway Program will not fund the creation of more than one channel, but it is not precluded in the future.
- City manager talked about the city support for these types of projects
- Friends of Putah Creek presented their concerns about this project.
- A motion for the LPCCC board to support this project modification will be considered to be included on the agenda next month.

LPCCC Patterned Calendar:**Grant Project Budget** - Rich Marovich (Streamkeeper)

The LPCCC has raised \$14 million in grants since 2000 with \$2.2 million remaining. A FEMA grant for remediation of the Wragg Fire (south side of Putah Creek) has been awarded and is in contracting.

Nursery operations - Amy Williams (Putah Creek Council)

PCC took over most of the management of the nursery back in July. Several public events and interns events have been hosted. 500 participants have given more than 1500 hours of volunteer time. Commented on the many collaboration projects.

Equipment inventory - Rich Marovich

In 2017 the following were purchased:

- D7 tractor
- Planting Van
- Straw Chopper

Grant application - Rich Marovich

FEMA proposal: Thomson Canyon erosion control - biggest risk of mudslides in the history of the Solano Project.

Planning subcommittee

- New committee is formed every year
- Andrew Fulks, Roland Sanford, and Alejandro Garcia volunteered.

Member reports:

PCC - Alejandro Garcia presented PCC concerns about work done near the Dry Creek area and suggested for the Planning subcommittee to review comments and suggestions.

Correspondence

None



LOWER PUTAH CREEK COORDINATING COMMITTEE

TO: Interested Persons

FROM: Rich Marovich, Streamkeeper

DATE: February 8, 2018

SUBJECT: STREAMKEEPER REPORT

Phase 3 – Winters Putah Creek Park: The City of Winters unanimously approved modifications to Phase 3 at Winters Putah Creek Park - as proposed by the LPCCC at the January 8, 2018 Winters Putah Creek Nature Park Committee meeting and approved unanimously and then adopted unanimously at the City's January 16th City Council Meeting.

Alleged Permit Violations: Mr. Jeff Tenpas and Mr. Alan Pryor submitted a letter to the LPCCC and also to the SCWA Board dated December 14, 2017 alleging

- violations of permits,
- inadequate science review
- CEQA compliance issues
- inadequate treatment of bare earth sites and
- inadequate policies for use of heavy equipment.

Alleged violation of permits: On January 3, Mr. Bob Hosea of the California Department of Fish and Wildlife visited the sites of alleged violations and is preparing a report. Nothing appeared to rise to the level of a permit violation at the January 3 site visit. Roland Sanford prepared a memo responding to the allegations to the SCWA board that is included as an attachment along with the Tenpas/Pryor letter.

Science review: LPCCC projects are based on scientific assessments summarized in the Watershed Management Action Plan and affirmed in the Strategic Plan. Additional science reviews are performed by grant proposal reviewers and by permitting agencies as well as LPCCC and SCWA fish and wildlife monitoring consultants.

CEQA compliance: The subject projects are CEQA exempt as determined by SCWA and the Department of Fish and Wildlife.

Treatment of bare earth: Treatment of bare soil is best done after the first rains to settle loose soil but before runoff events. The LPCCC has treated bare earth sites with seed and straw as required by permits.

Use of heavy equipment: Use of heavy equipment is expressly allowed by permits and required by the nature of the work.

SOLANO COUNTY WATER AGENCY



MEMORANDUM

TO: SCWA Board of Directors

FROM: Roland Sanford, General Manager

DATE: February 2, 2018

SUBJECT: Response to 12/14/17 Letter by Messrs. Alan Pryor and Jeff Tenpas

Introduction

During Public Comment at the January 11, 2018 Board Meeting Mr. Alan Pryor requested the Water Agency respond to a letter, dated December 14, 2017, he and Mr. Jeff Tenpas authored and addressed to the Water Agency and the Lower Putah Creek Coordinating Committee (see attached). In their letter, Messrs. Pryor and Tenpas noted that heavy equipment work was observed on the Lower Putah Creek flood plain and questioned whether the planning for this work was properly vetted and approved by the Lower Putah Creek Coordinating Committee (LPCCC), the Water Agency, and various regulatory agencies.

Background

The Water Agency, on behalf of the LPCCC or in some cases working directly with private landowners, has completed a number of restoration projects on Lower Putah Creek over the last 15 years - removal of Arundo and other invasive plant species, construction of rock weirs to stabilize the stream channel and/or increase habitat diversity, and more recently, channel scarification to loosen existing stream gravels for the benefit of spawning salmon, and larger scale projects such as the Winters Putah Creek Park.

In all cases, the final decision as to whether a given restoration project is undertaken, and the scope of that restoration project, rests with the affected landowner. The Water Agency will not perform work without the landowner's consent. The LPCCC, whose function and authorities are set forth in the Putah Creek Accord, provides a forum to support restoration projects – secure grant funds, advocate for specific projects, and disseminate information - but does not have regulatory or land use authority. In other words, the LPCCC can support or oppose a given restoration project, but is not a governmental body that project proponents must obtain authorization from to complete a given restoration project.



The Winters Putah Creek Park Project is one of the larger restoration projects undertaken on Lower Putah Creek and a perfect example of the relationship between landowner (City of Winters), the LPCCC, and the Water Agency. The City of Winters has developed a master creek plan for the park that among other things, calls for various stream channel and flood plain modifications within the city owned property. The LPCCC supports implementation of the City's master creek plan. The Water Agency, a member of the LPCCC, helped to secure funding for the project and on behalf of the City is overseeing the on-the-ground work being performed. The scope of the master creek plan and all aspects of the work are at the City's discretion. Earlier this month the City Council voted unanimously to continue moving forward with a partial implementation of the master creek plan, as currently configured.

Response

In the aforementioned letter the following specific activities are identified vis-à-vis the overarching question: whether or not the planning for this work has been properly vetted and approved by the LPCCC, Water Agency, and various regulatory agencies:

- 1) Fill placed in the creek at four locations
- 2) Altering the course of the stream at Mertz and NAWCA3
- 3) Bulldozing a trail on the north bank downstream of Dry Creek
- 4) Bulldozing a trail on the south bank downstream of Highway 505
- 5) Trenching and floodplain modification at Winters Putah Creek Park

1) Fill placed in the creek at four locations:

No fill was placed in the creek at any of these locations. The "fill" is the result of natural fluvial processes following stream channel scarification (loosening of cemented gravels and other substrates). Prior to scarification, the channel at each of these locations was flat, with potentially suitable spawning gravels embedded in fine sediment that together created a "hard crust", typically eight inches thick, which spawning salmon were unable to use. At each site an excavator was employed to break the hard crust in place. No material was added or removed from the channel. Once the channel substrates were no longer cemented they were more susceptible to transport and as a result, through natural fluvial processes, the channel bottom changed from what had been a relatively flat surface to a more "V-shaped cross-sectional configuration, which ultimately lowered the water surface elevation, narrowing the wetted width of the channel and exposing what had previously been submerged substrates along the margins of the channel (see figure 1). Based on the information provided in the letter, it appears that the newly exposed gravels along the channel margins were assumed to be fill material.

The channel scarification work at the four observed locations is authorized pursuant to Streambed Alteration Agreement Number 1600-2016-0058-R3: Lower Putah Creek Salmon Spawning Habitat Enhancement Project issued October 24, 2016. The project is CEQA Exempt (SCH#2016028369). All scarification activities were performed with the respective landowners' consent.

2) Altering the course of the stream at Mertz and NAWCA3:

The Water Agency removed Himalayan blackberry bushes from a natural, pre-existing high flow channel on the Mariani property, north and opposite the Mertz property. Despite the reported assertions by Mr. Mertz, the Water Agency did not perform any work on Mr. Mertz's property. The Water Agency is aware that material has been placed on the Mertz property to create at least a partial dam. Staff understands that the placement of this material is the subject of a possible enforcement action by the California Department of Fish and Wildlife (DFW).

Downstream of Highway 505 (NAWCA3 site) the Water Agency removed a clump of arundo - about three years ago - that was deflecting stream flows toward the toe of the southern channel bank, eroding the channel bank to the detriment of the adjacent Putah Creek Road. No fill material was placed in the channel during arundo removal. Last winter, one of the wettest winters on record, high stream flows deposited rocks and other sediment at and near the project site, filling at least one pool with sediment. Based on the information provided in the letter, it appears that the rocks and other sediment deposited by the high flood flows were assumed to be fill material placed by the Water Agency.

The Himalayan blackberry and arundo removal is part of a creek-wide effort to control invasive exotic weeds, as permitted under Streambed Alteration Agreement 1600-2014-0265-R3 Lower Putah Creek and Tributaries Maintenance Project (*aka* Routine Maintenance Agreement or RMA) issued August 25, 2015 (latest version). This project is CEQA Exempt (SCH#2015088392). Access to the site and the removal of arundo was performed with the respective landowners' consent.

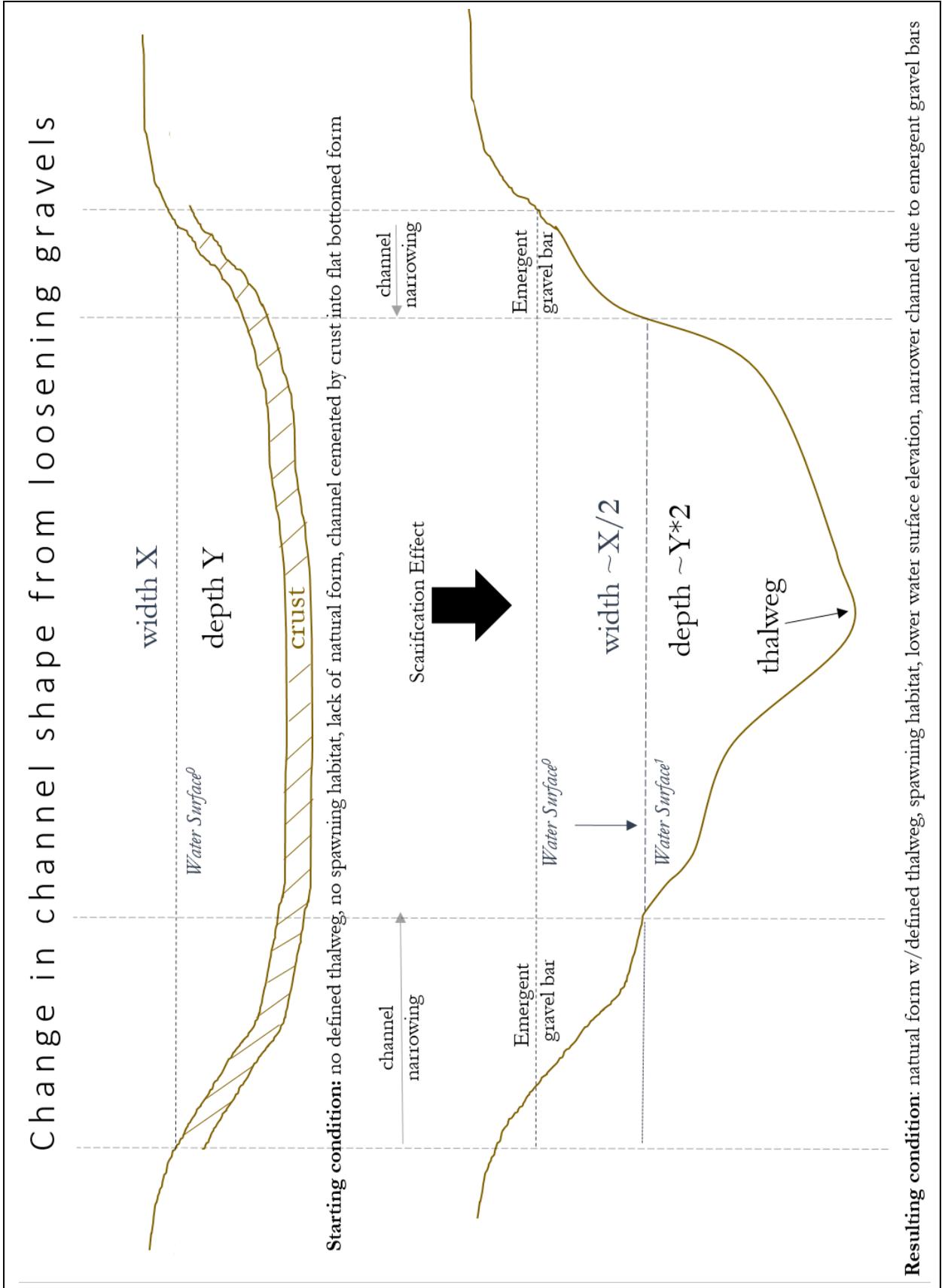


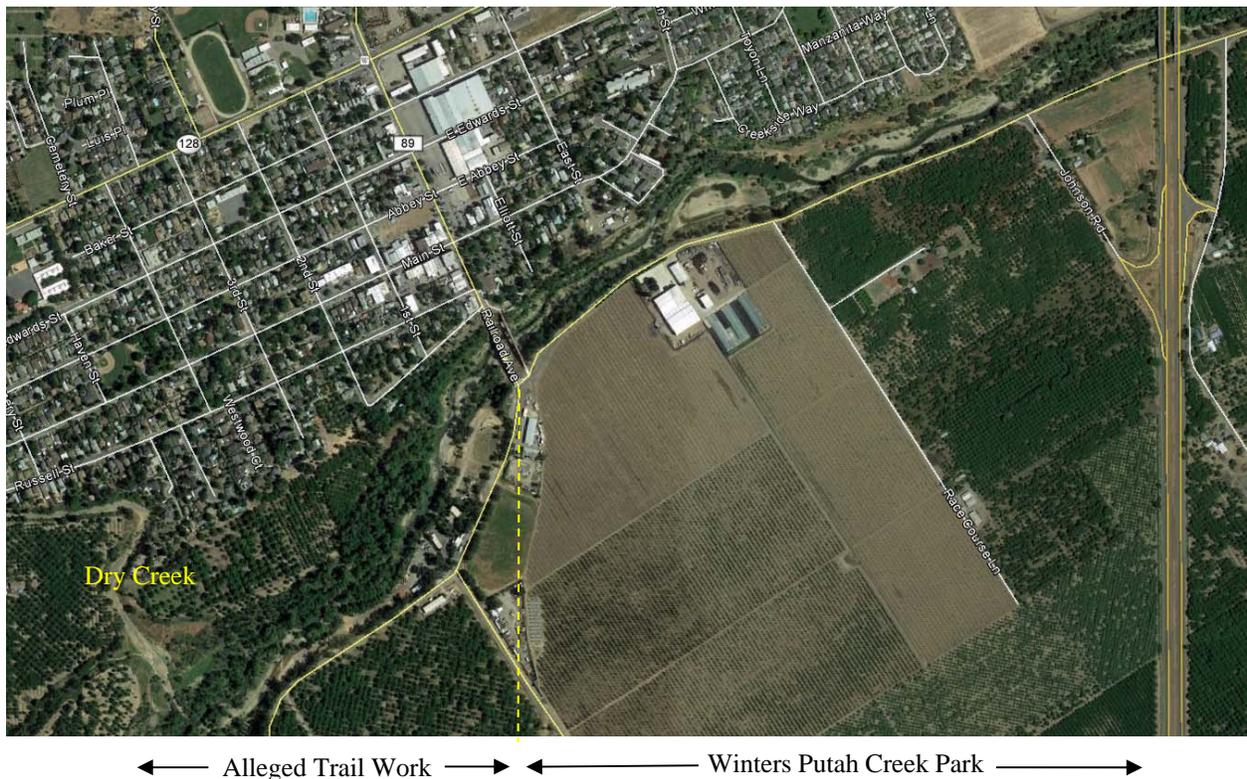
Figure 1: Change in Channel Form from Loosening Gravels (Scarification)

3) Bulldozing a trail on the north bank downstream of Dry Creek:

The Water Agency has previously created trails in the vicinity of the Dry Creek confluence with Putah Creek to access and control invasive weeds, as allowed by our aforementioned Routine Maintenance Agreement. No new trails have been created in the last year. However, more recently Water Agency staff did move an excavator – not a bulldozer as stated in the letter – over an existing, previously cleared trail to access and remove arundo. On occasion, individual landowners will perform their own vegetation clearing projects in the vicinity of the Dry Creek confluence, which are not coordinated with or performed pursuant to Water Agency’s Routine Maintenance Agreement.

Lands upstream of the Winters Car Bridge are not within the planning area of the Winters Putah Creek Parke Committee (see figure 2) and therefore, the Winters Putah Creek Committee was not involved with the aforementioned arundo removal effort by the Water Agency.

Figure 2: Map of Putah Creek at Winters showing linear extent of Winters Putah Creek Park



4) Bulldozing a trail on the south bank downstream of Highway 505

Using an existing trail that has existed for at least 17 years, the Water Agency moved an excavator with a blade – not a bulldozer, as stated in the letter - along the south bank of Lower Putah Creek, to and downstream of the Highway 505 Bridge, to access a channel scarification project site. Once the scarification work was completed the excavator was “back tracked” along the trail route with the blade positioned to smooth the track marks left by the excavator.

5) Trenching and floodplain modification at Winters Putah Creek Park

Mr. Tenpas had previously suggested, and the Water Agency agreed to try, the installation of reverse French Drains to improve the distribution of water from the wetted stream channel to and partially across the adjacent flood plains, and ultimately, to facilitate the establishment of native vegetation on the flood plains (In this case each French Drain consisted of a excavated ditch that was backfilled with gravel and topped with the excavated soil). At least preliminarily, the reverse French Drains appear to be working as anticipated. The work was performed in conformance with the Water Agency's Routine Maintenance Agreement, which allows revegetation efforts to occur year round. The project area in which the reverse French Drains were constructed consists of approximately one acre. Because the reverse French Drains were partially filled with gravel there was a surplus of excavated soil, which was spread in a thin layer across the entire project site.

In the letter it is stated that the reverse French Drains were not designed to "restore groundwater recharge" - that is a correct statement, they were constructed with the intent of testing a hypothesis: could reverse French Drains be used to facilitate the establishment of native vegetation on the adjacent flood plains? The Water Agency is well aware of Messrs. Pryor and Tenpas assertion that groundwater recharge rates have decreased as a result of the restoration activities that have occurred in the vicinity of Winters to date. The assertion that groundwater rates have decreased is based on theoretical calculations whose underpinnings were refuted by the United States Geological Survey in Water Supply Paper 1469, published in 1960. Furthermore, the theoretical calculations presented by Messrs. Pryor and Tenpas are not consistent with recent groundwater elevation observations reported by the Yolo Water Resources Association and others, nor empirical stream flow percolation data collected by the Water Agency since 1990. The interaction between Putah Creek surface stream flows and the underlying groundwater is complex and has been extensively studied by the Water Agency since 1990.

In response to complaints registered by Mr. Pryor and Mr. Tenpas, California Department of Fish and Wildlife (DFW) personnel visited the sites discussed above on Wednesday, January 3, 2018 and concluded that all of the work performed to date has occurred in conformance with the aforementioned DFW Streambed Alteration agreements obtained by the Water Agency for the execution of these projects.

Request of the SCWA/LPCCC

Messrs. Pryor and Tenpas conclude their letter with the following requests:

- *That the agency take immediate measures to stabilize the work sites and bare soils against erosion from winter rains and high water events*

The Water Agency has implemented erosion control measures, which have been inspected by DFW personnel and found to be satisfactory vis-à-vis compliance with the Streambed Alteration Agreement. The Agency will continue to monitor field conditions and will take additional actions as necessary to protect the respective sites

- *That the Boards and agency review agency policies and controls over uses of heavy equipment in the stream and floodplain.*

The Water Agency reviewed and approved each of the projects discussed above before work began. Recommendations and policies regarding the future use of heavy equipment in the Lower Putah Creek corridor are under discussion. Ultimately, the extent to which heavy equipment is used for restoration purposes will depend on site specific conditions, landowner, and regulatory approval.

- *That there be a review of this work, its purpose and need, CEQA compliance, and environmental permit requirements, including Section 401, Section 404, and Section 408 permits from the USACE, Water Quality Certifications, Stream bed Alteration Permits, encroachment permits from the Central Valley Flood Protection Board, and Storm Water Pollution Prevention Plans (SWPPP)*

Nearly all of the restoration projects performed to date have been implemented as “stand alone” projects, each requiring their own regulatory permits, permitted individually. The Agency believes that the programmatic approach to the planning, permitting and implementation of restoration projects, to the degree such a programmatic approach is practical given that roughly 70 percent of the Lower Putah Creek corridor is in private ownership, would be more desirable than the current “stand alone” , arguably piecemeal, approach employed to date. The purpose of the current Proposition 1 planning grant is in part to develop said programmatic approach.

- *That these and future stream bed alteration activities be disclosed to the resource agencies and the public so that they may undergo proper scientific review and scrutiny.*

The Water Agency has led several rounds of public planning efforts resulting in a Watershed Management Action Plan and a Strategic Plan that incorporates scientific review. The current creek-wide planning grant incorporates input from a broad array of scientific disciplines including ecology, wildlife biology, fish biology, entomology, soil science, hydrology and fluvial geomorphology. The Water Agency understands that the Putah Creek Council (PCC) has offered to serve as an informational source – library - for restoration projects conducted by the Agency and others. The Agency strongly supports the PCC serving in this capacity as it will help differentiate creek activities performed by or on behalf of the Agency from those that are performed by others, such as what has occurred on the Mertz property.

As previously discussed, projects performed on private property, in conformance with regulatory permits, are ultimately done at the discretion of the landowner. Assuming the landowner or the landowner’s agent can obtain the necessary regulatory permits, they are free to pursue said project whether or not it has reviewed scientific review and scrutiny.

Memorandum

To: SCWA and LPCCC

From: Friends of Putah Creek; Jeff Tenpas, Director and President; Alan Pryor, Director and Secretary/Treasurer

Date: December 14, 2017

Re: Disturbances on Putah Creek

A number of our members have observed and documented substantial heavy equipment work altering the floodplain and stream bed in Putah Creek this last season. We have not heard this work announced at meetings or seen plans discussed for it at various LPCCC meeting and question whether the planning for this work has been properly vetted and approved by the LPCCC, SCWA, and various regulatory agencies.

These activities include:

- Fill placed in the creek in four locations (see below)
- Altering the course of the stream in two locations Mertz and NAWCA 3)
- Bulldozing a half mile trail on the north bank downstream of Dry Creek
- Bulldozing another trail on the south bank downstream of I-505
- Extensive trenching and floodplain modification for groundwater mitigation work in Phase 2

These activities taken together add up to acres of clearing of vegetation, soil disturbance, and disturbance to the stream, floodplain, and riparian ecosystem. We know of no CEQA compliance, environmental review, or other permits being issued for these specific projects. As of December 10, 2017, most of the disturbed ground is still bare ground, without mulch or cover, and liable to substantial erosion in winter rains and floods.,

Following is more information on the recent work.

Fill placed in the creek - In two locations fill has been used to narrow the creek, permanently filling part of the channel. The fill of open water areas was estimated up to 30 feet wide and over 100 feet long at each site. These locations are between the Diversion Dam and Dry Creek. The third point of fill placement was at the mouth of Dry Creek where a small deep pool at the confluence was filled. The last point of fill was some 1000 feet below I-505 at a point where the stream divided into two branches and fill was used to dam the stream and block flows in one branch.

Altering the Stream Course - Stream course alteration occurred in two places. One was at the Mertz property, the second was at the site below I-505 (described above). On the Mertz property a new channel was dug on the north bank, 100-200 feet long. According to Mr. Mertz (personal communication), this was done by the SCWA to alter the stream elevation, and was done by trespassing on his property without his permission. At the place below I-505, one branch of the creek was blocked effectively drying up about 1000 feet of stream.

Bulldozer Trail downstream of Dry Creek - This trail starts at Dry Creek and runs downstream on the north bank and crosses the creek a little upstream of the car bridge. A trail a ½ mile long and 8 feet wide is cleared of all vegetation and was constructed in October or November. The trail's purpose according to

the SCWA's Streamkeeper is to provide access for weed control and an herbicide sprayer. This work did not come before the Winters Putah Creek Committee (WPCC) as we learned the last meeting. The exposure of so much bare, unprotected soil at this time of year is poor timing, and an unfortunate aspect of this trail is that it greatly increases access for the homeless where there already has been problems with homeless camps on private property.

Bulldozer Trail downstream of I-505 – This trail was bulldozed in October or November and runs about 600 feet long and 8 feet wide on the south bank of Putah Creek and within feet of the water. Some of the fill slope spills directly into the creek. What is the purpose and need for this trail? Why was it built so late in the year? And why are there no measures to prevent erosion?

Floodplain Mitigation work in Phase 2 - This work has occurred in the last half of November and covered over an acre of ground. A large excavator dug nine trenches, 8 feet deep, 3 feet wide, and 50 to 100 feet long. The trenches were filled with an 18 inch layer of gravel in the bottom then back-filled with spoils of the trench. While we appreciate that the LPCCC and SCWA now recognize the negative impacts of the Phase 2 project on floodplain regeneration and are trying to fix it, the timing on this work is bad because there is no time to grow a vegetative cover to protect the floodplain from erosion. The greater problem is that the project is only designed to get floodplain vegetation to regrow, and not designed to restore groundwater recharge. In previous communications with the SCWA, we've shown there has been a large decrease in groundwater recharge in Winters, due to the Phase 1 and 2 projects. Unfortunately this mitigation project does not address and wastes the opportunity to address that problem. In fact, trees are already being planted in the trench lines and will stand in the way of any future effort to restore groundwater.

Request of the SCWA/LPCCC. We respectfully request:

- That the agency take immediate measures to stabilize the work sites and bare soils against erosion from winter rains and high water events
- That the Boards and agency review agency policies and controls over uses of heavy equipment in the stream and floodplain
- That there be a review of this work, its purpose and need, CEQA compliance, and environmental permit requirements, including Section 401, Section 404, and Section 408 permits from the USACE, Water Quality Certifications, Stream bed Alteration Permits, encroachment permits from the Central Valley Flood Protection Board, and Storm Water Pollution Prevention Plans (SWPPP)
- That these and future stream bed alteration activities be disclosed to the resource agencies and the public so that they may undergo proper scientific review and scrutiny.

See photos on following pages

Stream Fill 1



Stream Fill 2



Pool Filled at Dry Creek Confluence



Channel Plug at NAWCA 3



New Channel



Blocked Channel NAWCA 3



Dry Creek Dozer Trail



NAWCA 3 Dozer Trail

