

# RECLAMATION

*Managing Water in the West*

**Environmental Assessment: 18-23-MP**

## **Alameda County Water District Rubber Dam #3 Fish Ladder**



**U.S. Department of the Interior  
Bureau of Reclamation, Mid-Pacific Region**

**May 2018**

## **Mission Statements**

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

# 1. Introduction

In conformance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of Interior regulations (43 CFR Part 46), the United States (U.S.) Bureau of Reclamation (Reclamation) is providing this Environmental Assessment (EA) to disclose potential environmental effects associated with providing partial funding to the Alameda County Water District (ACWD). Funding will be provided through Reclamation's WaterSMART: Water and Energy Efficiency Grant (\$750,000) to construct the ACWD Rubber Dam #3 Fish Ladder Project (Proposed Action).

## 1.1 Background

In an effort to streamline the environmental review process of the Joint Lower Alameda Creek Fish Passage Improvements Project, ACWD contracted with Hanson Environmental to prepare the 2016 Initial Study and Proposed Mitigated Negative Declaration and Environmental Assessment (IS/MND and EA). The IS/MND and EA project elements include:

1. Construction of a new fishway at ACWD's Rubber Dam #1 (downstream of the Proposed Action);
2. Replacement of the existing Rubber Dam #1 equipment and controls;
3. Construction of a new fishway at ACWD's Rubber Dam #3 and replacement of Rubber Dam #3 material, equipment and controls; and
4. Construction of a new Shinn diversion and fish screening facility and decommissioning the existing unscreened diversion pipelines.

However, the Proposed Action included in this EA is only for construction of the new fishway at ACWD's Rubber Dam #3. After review of the 2016 IS/MND and EA prepared by Hanson Environmental for the Joint Alameda Creek Fish Passage Improvements Project with the U.S. Army Corps of Engineers (Corps) as the lead Federal agency, Reclamation determined that the 2016 IS/MND and EA did not include Reclamation required resource discussions and did not consult with the California State Historic Preservation Officer (SHPO) for cultural resources determinations. As a result, Reclamation prepared this EA which analyzes this missing information and incorporates the 2016 IS/MND and EA by reference for the remaining environmental elements of the Proposed Action from granting ACWD \$750,000 WaterSMART grant.

## 1.2 Need for the Proposal

The Proposed Action will improve anadromous fish passage in the urban reach of the Alameda Creek Watershed while maintaining ACWD's water supply operations at its

groundwater recharge facilities. Without the Rubber Dam #3, ACWD's conjunctive use of groundwater would not be possible due to salt water intrusion and groundwater constitutes approximately 40% of ACWD's total water supply (Hanson Environmental, 2016).

## **2. Alternatives Including the Proposed Action**

This EA considers two possible actions: "No Action Alternative" and "Proposed Action". The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the environment.

### **2.1 No Action Alternative**

For the No Action Alternative, Reclamation would not award ACWD \$750,000 in WaterSMART grant funds for the Proposed Action. Although \$750,000 is a small portion of the overall funding (10 percent) for the Proposed Action, for the purposes of this EA, the consequences of Reclamation not providing funding for the Proposed Action would result in no construction which may lead to ACWD's failure to meet existing water demand.

### **2.2 Proposed Action**

ACWD will construct a fish passage facility at ACWD's Rubber Dam #3 downstream of Mission Boulevard and Union Pacific Railroad Bridge. Construction includes modifying the Rubber Dam #3 foundation to incorporate a plunge pool for fish passage. ACWD will also replace the existing Rubber Dam #3 inflatable bag which will involve modifying the foundation to anchor the new bag material and make seismic related structural upgrades. The fish screens will be constructed between Rubber Dam #3 and Rubber Dam #1 and involves replacing the existing two Shinn Pond Diversions during or prior to modification of Rubber #1 which would allow steelhead access to lower Alameda Creek. Fish screens will be installed prior to the date that steelhead would be present in the area. The Proposed Action will improve anadromous fish passage in the urban reach of the Alameda Creek Watershed while maintaining ACWD's water supply operations at its groundwater recharge facilities (Hanson Environmental, 2016).

#### **2.2.1 Environmental Commitments**

ACWD contracted with Hanson Environmental to prepare an IS/MND and EA to determine potential environmental effects from the Proposed Action. As part of the Proposed Action, ACWD or its contractors, will implement mitigation measures included in the IS/MND and EA for air quality, aesthetics, biological resources, hazards and hazardous materials, hydrology and water quality, noise, recreation, transportation and cumulative analyses (Hanson Environmental, 2016). The mitigation measures (included in Table 9 of the IS/MND

and EA) will reduce potential project effects to a less than significant level and are available on the California State Coastal Conservancy website:

[http://scc.ca.gov/webmaster/ftp/pdf/sccb/2018/1803/20180322Board08\\_Alameda\\_Creek\\_Fish\\_Passage\\_Ex4.pdf](http://scc.ca.gov/webmaster/ftp/pdf/sccb/2018/1803/20180322Board08_Alameda_Creek_Fish_Passage_Ex4.pdf).

### **3. Affected Environment and Environmental Consequences**

#### **3.1 Required Resource Discussions**

Department of Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of Native American Indian sacred sites, Indian Trust Assets, and Environmental Justice when preparing environmental documentation. Impacts to these resources were considered and found to be minor or absent. Brief explanations for their elimination from further consideration are provided below.

##### **3.1.1 Indian Trust Assets**

Indian Trust Assets (ITA) are legal interests in property or rights held in trust by the U.S. for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITA in California. The nearest ITA is the Lytton Rancheria located 33 miles northwest of the Proposed Action. The Proposed Action does not have a potential to affect ITA (Appendix A).

##### **3.1.2 Indian Sacred sites**

Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners on federal land, and avoids adversely affecting the physical integrity of such sacred sites. The Proposed Action would not be located on federal lands and therefore would not affect access to or use of Indian sacred sites on federal lands.

##### **3.1.3 Environmental Justice**

Executive Order 12898 requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. Reclamation has not identified adverse human health or environmental effects on any population as a result of implementing the Proposed Action, therefore, implementing the Proposed Action would not have significant or disproportionately negative impact on minority or low-income populations.

### **3.2 Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, Reclamation would not award ACWD with a WaterSMART grant of \$750,000. Although it is possible that ACWD may find alternate sources of funding for the Proposed Action, for the purposes of this EA, the consequences of Reclamation not providing funding for the Proposed Action would result in no construction, which may lead to ACWD's failure to meet water demand.

### **3.3 Environmental Consequences of Funding the Proposed Action**

ACWD contracted Hanson Environmental to prepare an IS/MND and EA for the Joint Lower Alameda Creek Fish Passage Improvements Project which includes the Proposed Action. The U.S. Army Corps of Engineers (Corps) acted as the Federal lead agency for the IS/MND and EA that evaluated the following environmental resources: aesthetics, agriculture resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, use of energy, utilities and service systems, cumulative impacts, and mandatory findings of significance. According to the 2016 IS/MND and EA, the impacts associated with the Proposed Action would occur primarily during the construction phase. Most construction impacts would be short term and temporary. All the resources analyzed in the 2016 IS/MND and EA were found to either have no impact, less than significant impact, or less than significant impact with mitigation measures incorporated. The 2016 IS/MND and EA identified that aesthetics, air quality, biological, hazards and hazardous materials, hydrology and water quality, noise, recreation, transportation and traffic and cumulative impacts as having potentially significant impacts that would be less than significant with mitigation (Hanson Environmental, 2016). There were no significant and unavoidable impacts associated with the Proposed Action (Hanson Environmental, 2016).

Reclamation reviewed the 2016 IS/MND and EA and found the analysis sufficiently considered potential effects to the environment for all resources analyzed except cultural resources, and hereby incorporates that analysis by reference into this document. Reclamation determined the 2016 IS/MND and EA did not cover Reclamation's actions under the National Historic Preservation Act (NHPA), and therefore, Reclamation completed consultation with the SHPO. This EA includes a discussion of Indian Trust Assets, Indian Sacred Sites, Environmental Justice and Agencies/Persons Consulted which are required by Department of the Interior Regulations, Executive Orders, and Reclamation guidelines when preparing environmental documentation. These discussions are included in Section 3.1 and Section 4 of this document, respectively.

## **4. Consultation and Coordination**

### **4.1 Agencies and Persons Consulted**

Reclamation consulted and coordinated with the SHPO, pursuant to 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulation found at 36 CFR Part 800.

### **4.2 Endangered Species Act**

Section 7 of the federal Endangered Species Act (ESA) (16 USC § 1531 et seq.) requires federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of critical habitat for these species.

A Biological Assessment was prepared for the Project that covers the Proposed Action area by Hanson Environmental in February of 2017. Federally-listed species that may occur in the Action Area and may be affected by the Proposed Action are the California red-legged frog, San Joaquin kit fox, Western snowy plover, California least tern, California clapper rail, green sturgeon, steelhead, and salt marsh harvest mouse (Hanson Environmental, 2017). The Biological Assessment concluded that effects to these species would be minimized by avoidance and minimization measures (Hanson Environmental, 2017).

The Corps consulted with the National Marine Fisheries Service under section 7 of the ESA and Magnuson-Stevens Fishery Conservation and Management Act regarding potential effects of the Proposed Action. The National Marine Fisheries Services issued a Biological Opinion October 5, 2017 which concluded that the Proposed Action would not adversely affect essential fish habitat and is not likely to jeopardize the continued existence of threatened steelhead and not likely to adversely affect the threatened Southern District Population Segment of North American green sturgeon (Appendix B).

In consultation under section 7 of the ESA, the Corps requested concurrence from the U.S. Fish and Wildlife Service that the Proposed Action may affect, but is not likely to adversely affect listed species in the Action Area. The U.S. Fish and Wildlife Service responded in July of 2013 and concurred with the determination (Appendix C). Although Reclamation did not consult with the U.S. Fish and Wildlife Service, the Corps consulting with the U.S. Fish and Wildlife as a Federal lead agency fulfills Reclamations responsibilities for our Proposed Action.

### 4.3 National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended (Title 54 USC § 306108.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties or properties that are eligible for inclusion in the National Register of Historic Places. The 36 CFR Part 800 regulations implement Section 106 of the National Historic Preservation Act. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the area of potential effects, conduct cultural resource inventories, determine if historic properties are present within the area of potential effects, and assess effects on any identified historic properties.

Reclamation initiated consultation with the SHPO by letter dated May 1, 2018 requesting concurrence with a finding of no historic properties affected by the proposed project. SHPO responded on May 7, 2018 with a concurrence on the finding of no historic properties pursuant to 36 CFR § 800.4(d)(1). Documentation of NHPA compliance can be found in Appendix D.

## 5. Reference

Hanson Environmental. 2017. Biological Assessment. Biological Assessment for the Alameda County Water District and Alameda County Flood Control and Water Conservation District Proposed Joint Lower Alameda Creek Fish Passage Improvements Project.

Hanson Environmental. 2016. Alameda County Water District (ACWD). Final Initial Study and NEPA EA for the Joint Lower Alameda Creek Fish Passage Improvements Project. Available:

[http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2018/1803/20180322Board08\\_Alameda\\_Creek\\_Fish\\_Passage\\_Ex4.pdf](http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2018/1803/20180322Board08_Alameda_Creek_Fish_Passage_Ex4.pdf)

# Appendix A Indian Trust Assets

## Indian Trust Assets Request Form (MP Region)

Submit your request to your office's ITA designee or to MP-400, attention Kevin Clancy.

**Date: 4/27/2018**

<b>Requested by (office/program)</b>	Nathaniel Martin
<b>Fund</b>	18XR0687NA
<b>WBS</b>	
<b>Fund Cost Center</b>	RX185279013000000
<b>Region # (if other than MP)</b>	
<b>Project Name</b>	ACWD Rubber Dam #3 Fish Ladder Project
<b>CEC or EA Number</b>	NA

<p><b>Project Description (attach additional sheets if needed and include photos if appropriate)</b></p>	<p>he fish ladder at Rubber Dam #3 would be a concrete structure installed on the d north Permanent changes to Rubber Dam #3 modification to the foundation, the rubber bag, modifying the existing dam foundation to make it seismically ermanent modifications would occur within the existing dam footprint of the ee and maintenance trail along the levee crest. The dam would extend nately 150 feet downstream of the Rubber Dam #3 and approximately 150 feet of the Rubber Dam #3 (See Figure 1).</p>
<p><b>*Project Location (Township, Range, Section, e.g., T12 R5E S10, or Lat/Long cords, DD-MM-SS or decimal degrees). Include map(s)</b></p>	<p>See Figure.</p>

4/27/2018                      Nathaniel Martin                      Nathaniel Martin  
 \_\_\_\_\_  
 Signature                      Printed name of preparer                      Date

**ITA Determination:**

The closest ITA to the proposed **ACWD Rubber Dam #3 Fish Ladder Project** activity is the **Lytton Rancheria** about **33** miles to the **northwest**. (See attached image).

Based on the nature of the planned work it **does not** appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action **will not** have any impacts on ITAs.

*K. Clancy*

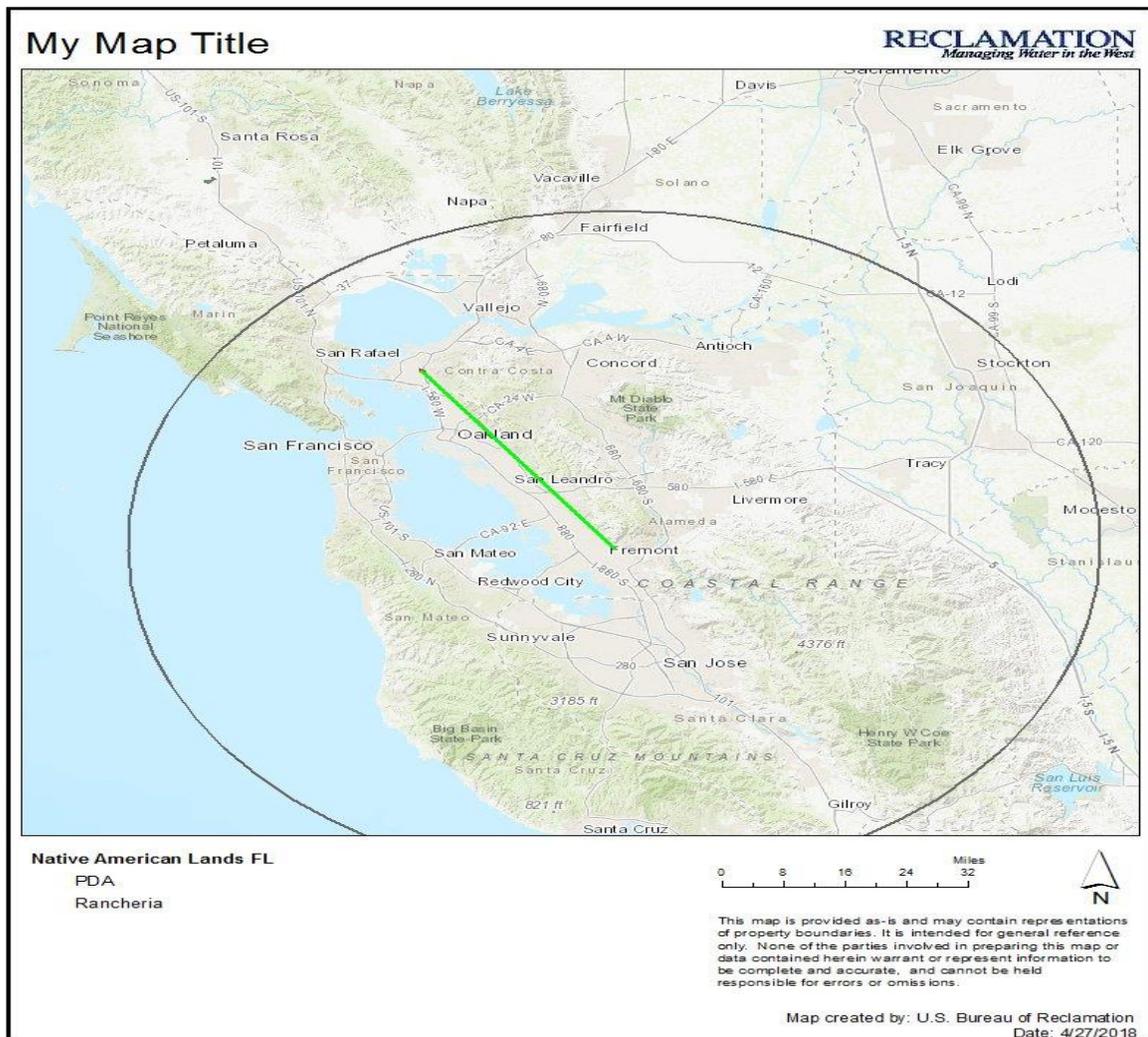
Kevin Clancy

4/30/2018

Signature

Printed name of approver

Date



# Appendix B Biological Opinion



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
777 Sonoma Avenue, Room 325  
Santa Rosa, California 95404-4731

OCT 05 2017

Refer to NMFS No: SWR-2013-9696

Rick M. Bottoms, Ph.D.  
Regulatory Branch Chief  
Department of the Army  
San Francisco District, Corps of Engineers  
1455 Market Street  
San Francisco, California 94103-1398

Re: Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens  
Fishery Conservation and Management Act Essential Fish Habitat Response for the Joint  
Lower Alameda Creek Fish Passage Improvements Project in Fremont, California (Corps  
File No. 2013-00083S)

Dear Dr. Bottoms:

Thank you for your letter of July 1, 2013, requesting initiation of consultation with NOAA's National Marine Fisheries Service (NMFS), pursuant to section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 USC Section 1531 et seq.), for construction of the Joint Lower Alameda Creek Fish Passage Improvements Project (Project), located in Fremont, Alameda County, California. The Corps of Engineers (Corps) proposes to provide authorization pursuant to Section 404 of the Clean Water Act (CWA) of 1972, as amended (33 U.S.C. § 1344 et seq.), to the Alameda County Water District (ACWD) and the Alameda County Flood Control and Water Conservation District (ACFCWD) for construction of the Project. The Corps also proposes to grant permission for construction of the Project under Section 408 of the Rivers and Harbors Act of 1899 (33 USC 408).

Thank you, also, for your request for consultation pursuant to the essential fish habitat (EFH) provisions in Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)) for this action. However, after reviewing the proposed action, we concluded that it would not adversely affect EFH; therefore, no EFH consultation is required.

The enclosed biological opinion is based on our review of the Project proposed by ACWD and ACFCWD, and describes NMFS' analysis of the effects of the construction and operation of the Project on threatened Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*) in accordance with section 7 of the ESA.



In the enclosed biological opinion, NMFS concludes the Project is not likely to jeopardize the continued existence of threatened CCC steelhead. However, NMFS anticipates take of CCC steelhead will occur as a result of future project operations. An incidental take statement with non-discretionary terms and conditions is included with the enclosed biological opinion. NMFS has also found that the proposed Project is not likely to adversely affect the threatened Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris*) or its critical habitat.

Please contact Josh Fuller (707-575-6096) or Gary Stern (707-575-6060) of the NMFS North-Central Coast Office in Santa Rosa, California if you have any questions concerning this section 7 consultation, or if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry A. Thom", with a horizontal line extending to the right and a small flourish at the end.

Barry A. Thom  
Regional Administrator

Enclosure

cc: Keith Hess, Corps, San Francisco, CA  
Leslie Perry, RWQCB, Oakland, CA  
Robert Shaver, ACWD, Fremont, CA  
Therese Wooding, ACWD, Fremont, CA  
Hank Ackerman, ACFCD, Fremont, CA  
Scott Wilson, CDFW, Yountville, CA  
Ryan Olah, USFWS, Sacramento, CA  
Copy to ARN File #151422SWR2013SR00191

# Appendix C USFWS Consultation



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In Reply Refer To:  
08ESMF00-2013-1-0332-1

JUL - 1 2013

Ms. Jane Hicks  
Chief, Regulatory Division  
U.S. Army Corps of Engineers  
San Francisco District  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, California 94103-1398

Subject: Request for Concurrence with a Not Likely to Adversely Affect  
Determination for the Proposed Lower Alameda Creek Fish Passage  
Improvement Project (Corps file 2013-00083 S), Alameda County,  
California

Dear Ms. Hicks:

This letter is in response to your March 21, 2013 request that the U.S. Fish and Wildlife Service (Service) concur with the determination that the proposed Lower Alameda Creek Fish Passage Improvements project in Alameda County, California may affect, but is not likely to adversely affect, the federally listed California red-legged frog (*Rana draytonii*), San Joaquin kit fox (*Vulpes macrotis*), California clapper rail (*Rallus longirostris obsoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), Western snowy plover (*Charadrius alexandrinus nivosus*) or California least tern (*Sternula antillarum brownii*) in accordance with the requirements of the Endangered Species Act of 1973, as amended (Act). Your request was received on March 25, 2013.

The proposed project involves upgrades and modifications to existing instream facilities, with the goal of improving passage for steelhead through a section of Alameda Creek in the city of Fremont, Alameda County, California. The primary components of the project include construction of a fish ladder at an existing drop structure/rubber dam, replacement of the dam bag and construction of a fish ladder at a second rubber dam, and the installation of a new screened diversion to replace an existing diversion.

The Service agrees with the assessment that the project area does not contain suitable habitat for, and will not affect several other listed species known from the surrounding area, including vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), conservancy fairy shrimp (*Branchinecta conservatio*), California tiger salamander (*Ambystoma californiense*), Alameda whipsnake (*Masticophis lateralis*), or Contra Costa goldfields

(*Lasthenia conjugens*). No critical habitat occurs within the project area, so none will be affected.

There is potential habitat for both California red-legged frog and San Joaquin kit fox around Alameda Creek, particularly upstream of the construction zone, where they may be affected by continuing water operations associated with the proposed project. There are recorded observations of California red-legged frog in the upstream area, but the water operations, designed to improve passage for steelhead, will primarily have the effect of increasing water supply in Alameda Creek during dry periods. This action will result in greater access to water during dry periods for San Joaquin kit fox, and more optimal water temperatures for California red-legged frog, neither of which should be considered adverse.

Downstream effects of the project, particularly water quality changes from potential runoff or spilled materials, could impact species that forage in or otherwise use the habitat near the mouth of Alameda Creek where it enters the San Francisco Estuary, including Western snowy plover, California clapper rail, California least tern, and salt marsh harvest mouse. The likelihood of negative effects will be minimized or avoided by the implementation of a number of measures incorporated into the project plans. These measures include:

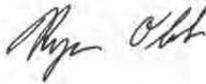
- 1) Alameda County Water District (ACWD) and Alameda County Flood Control District (ACFCD) will isolate in-channel construction areas from the active creek channel with sand bags, fiber mats, cofferdams or other methods during construction.
- 2) Potential runoff from the site will be controlled with sand bags, fiber mats, or other effective methods.
- 3) ACWD and ACFCD will fuel and maintain construction equipment outside of the channel. If this is not feasible, containment materials will be used.
- 4) ACWD and ACFCD will provide washout areas for vehicles outside of the channel and isolate these areas to ensure that concrete materials do not runoff into the channel or to recharge ponds.
- 5) When working in the channel or where there may be runoff to the channel, ACWD and ACFCD will ensure that construction equipment will be fitted with absorbent materials at potential fuel, oil, and other fluid leak spots.
- 6) During construction and post-construction maintenance involving use of equipment in or adjacent to the channel, ACWD will stockpile sand bags on site so that they may be immediately dilled and placed around any spill. In addition, any spills not contained within the maintenance area will immediately be isolated from the main channel.
- 7) A qualified biologist will (a) be retained to monitor construction and (b) will conduct mandatory contractor/worker awareness training for construction personnel if special-status species are found.
- 8) The same avoidance and minimization measures will be used for all future operation and maintenance as appropriate.

These measures, along with the remaining measure included in the project's Biological Assessment, will help ensure that take of any special-status species is avoided.

The Service concurs that the proposed project, as described and including the avoidance and minimization measures, may affect, but is not likely to adversely affect, California red-legged frog, San Joaquin kit fox, Western snowy plover, California least tern, California clapper rail and salt marsh harvest mouse within the project area based on the following reasons: (1) no federally listed species is likely to occur in the area in which construction is occurring; (2) water level changes related to the project, which will occur upstream of the construction area in potential California red-legged frog and San Joaquin kit fox habitat, are likely to have positive, not negative impacts, by increasing water availability and decreasing water temperature; (3) effects on the species downstream of the construction area, including western snowy plover, California least tern, California clapper rail and salt marsh harvest mouse, will be avoided by implementing the water quality control measures listed above; and (4) any further negative impacts will be minimized by the presence of a biological monitor, and mandatory environmental awareness training for all workers. If these provisions are followed, no further action pursuant to the Act is necessary.

However, if new information reveals effects of the project that may affect federally listed species or critical habitat in a manner not identified to date, or if a new species is listed or critical habitat is designated that may be affected by the proposed action, this office should be contacted immediately for further guidance. If you have any questions regarding this letter, please contact Bjorn Erickson, Biologist, or Ryan Olah, Coast-Bay/Forest-Foothills Division Chief, at the letterhead address, telephone (916) 414-6600 or electronic mail ([peter\\_erickson@fws.gov](mailto:peter_erickson@fws.gov) or [ryan\\_olah@fws.gov](mailto:ryan_olah@fws.gov)).

Sincerely,



 Eric Tattersall  
Deputy Assistant Field Supervisor

# Appendix D SHPO



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
Telephone: (916) 445-7000 FAX: (916) 445-7053  
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

May 7, 2018

Reply in Reference To: BUR\_2018\_0501\_001

Ms. Anastasia T. Leigh  
Regional Environmental Officer  
Bureau of Reclamation, Mid-Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825-1898

RE: Alameda County Water District (ACWD) Rubber Dam No. 3 Fish Ladder Project,  
Fremont, Alameda County, California (18-MPRO-009)

Dear Ms. Leigh:

The State Historic Preservation Officer (SHPO) received your letter, on May 1, 2018, initiating consultation for the above-referenced project to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation found at 36 CFR § 800. The Bureau of Reclamation (Reclamation) is seeking my comments regarding the effects the undertaking described below will have on historic properties, and has requested expedited consultation pursuant to 36 CFR § 800.3(g). Included with the consultation letter were maps and a rendering of the proposed undertaking.

As described in the consultation package, the undertaking includes the construction of a concrete fish ladder between the rubber dam and the right bank of Alameda Creek, located along Lower Alameda Creek in Fremont, California. The structure will be 180 feet long, 10 feet high, and 10 feet wide, located within in the creek channel. Reclamation delineated the Area of Potential Effect (APE) as 500 feet long and 250 feet wide for the fish ladder and materials staging. The vertical depth of ground disturbance is approximately six feet. Equipment and materials staging would occur on the right bank of Alameda Creek.

Identification efforts included archival research. Reclamation determined that the Alameda Creek levees and Rubber Dam No. 3 are of modern age. The Niles Canyon Transcontinental Railroad Historic District, listed on the National Register of Historic

Ms. Anastasia T. Leigh  
May 7, 2018  
Page 2 of 2

BUR\_2018\_0501\_001

Places in 2010, also crosses the APE. A portion of Bridge 29B of the line is within the APE but will not be affected by the undertaking.

Reclamation has found that the undertaking will result in no historic properties affected. After reviewing the information submitted with your letter, I offer the following comments:

- I agree that the Area of Potential Effect (APE) as represented in the attachments to your letter is appropriate, per 36 CFR § 800.4(a)(1).
- I concur that Reclamation's identification and evaluation efforts are sufficient for this undertaking, per 36 CFR § 800.4(b).
- I concur with your finding and agree that pursuant to 36 CFR § 800.4(d)(1), a Finding of No Historic Properties Affected is appropriate for the undertaking as described.
- Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, you may have future responsibilities for this undertaking under 36 CFR § 800.

Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Kathleen Forrest, Historian, at (916) 445-7022 or [Kathleen.Forrest@parks.ca.gov](mailto:Kathleen.Forrest@parks.ca.gov).

Sincerely,



Julianne Polanco  
State Historic Preservation Officer