

FISH AND WILDLIFE SERVICE  
YOUNTVILLE

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UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
777 Sonoma Avenue, Room 325  
Santa Rosa, California 95404

DEC 22 2000

F/SW03:GRS

Calvin Fong  
San Francisco District, Regulatory Branch  
U.S. Army Corps of Engineers  
333 Market Street  
San Francisco, California 94105-2197

Dear Mr. Fong:

This letter is in regard to several flood control facilities constructed since 1997 on Adobe Creek near the City of Petaluma, Sonoma County, California. During this period the following facilities have been constructed in and along Adobe Creek: culvert improvements at the Casa Grande Road crossing approximately 2,800 feet upstream of Ely Boulevard South (Crossing 1); construction of a berm from just upstream to approximately 900 feet upstream of Crossing 1; construction of Adobe Creek Diversion Channel from just downstream of Crossing 1 to just upstream of the Casa Grande Road crossing approximately 4,800 feet upstream of Ely Boulevard South (Crossing 2); and construction of a diversion weir just upstream of Crossing 2. Based on these new facilities, the Federal Emergency Management Agency (FEMA) has revised the Flood Insurance Rate Map to modify floodplain elevations and floodplain boundary delineations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) along Adobe Creek.

The National Marine Fisheries Service (NMFS) is responsible for the management, conservation, and restoration of anadromous fish species listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). Available information indicates the threatened Central California Coast steelhead (*Oncorhynchus mykiss*) occurs in Adobe Creek and these recently completed flood control facilities have been constructed within designated critical habitat for this species (65 FR 7764).

Based upon site visits to Adobe Creek by NMFS personnel and other available information, these facilities may adversely affect steelhead in Adobe Creek and/or designated critical habitat. Pursuant to Section 7(a)(2) of the ESA, all federal agencies are required "to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence" of any endangered or threatened species or result in the destruction of critical habitats. If an agency determines that its proposed action "may affect" an endangered or threatened species, the agency must formally consult with the relevant Service, the U.S. Fish and Wildlife Service and/or NMFS, depending on the species that are affected by the proposed action.

Specifically, the NMFS is concerned about potential adverse effects to steelhead and designated critical habitat associated with the Adobe Creek Diversion Channel. High flow events in



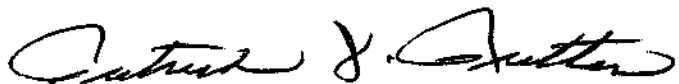
February 1999, demonstrated design problems with the diversion weir and channel. Several steelhead were stranded and lost due to failure of the diversion weir and scouring in the diversion channel. Although NMFS staff participated in the redesign of the diversion weir and channel, concerns for steelhead and their habitat remain. The diversion channel may convey flows at lower flow regimes than designed which can result in the stranding of juvenile steelhead and degrade habitat conditions in the natural channel. NMFS believes these issues should be addressed through some channel modifications at the diversion weir and an effective monitoring and maintenance plan.

To date, none of the flood control facilities constructed in Adobe Creek within designated critical habitat for the threatened Central California Coast steelhead have undergone formal ESA review by the NMFS. Neither the Army Corps of Engineers (Corps) nor FEMA has initiated Section 7 consultation with the NMFS for these facilities and it is likely that unauthorized take of threatened steelhead will continue to occur with the existing channel configuration. By letter dated December 21, 2000, to FEMA, the NMFS recommended FEMA reconsider the determination made by the Letter of Map Revision until Section 7 consultation with the NMFS has been completed. Your assistance is requested to ensure that either the Corps or FEMA initiate Section 7 consultation with the NMFS to address these issues. The diversion weir just upstream of Crossing 2 is below ordinary high water in Adobe Creek and is subject to the Corps' jurisdiction pursuant to Section 404 of the Clean Water Act.

Either the Corps or FEMA can initiate consultation with the NMFS by a written request to Dr. Rebecca Lent, Regional Administrator at NMFS, Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, California, 90802-4213. Please provide a copy of the letter requesting consultation and all supporting documents to the NMFS Santa Rosa office at 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404. Through Section 7 consultation, NMFS, FEMA/Corps, and the City of Petaluma may exchange information, analyze effects of the proposed action, and develop plans to avoid, minimize, and mitigate potential impacts to steelhead or designated critical habitat. If the impacts of the project can be avoided or minimized to the point where steelhead will not be adversely affected, consultation may be concluded informally.

If you have questions regarding these comments or need additional information regarding Section 7 consultation, please contact Mr. Gary Stern at (707) 575-6060.

Sincerely,



Patrick Rutten  
Northern California Supervisor  
Protected Resources Division

enclosure

cc: Matthew Miller, FEMA  
Jack Eldridge, FEMA  
Jim Lecky, NMFS Long Beach  
Rob Floerke, DFG Yountville  
Ken Sanchez, FWS  
Honorable Clark Thompson, City of Petaluma