

LAW OFFICES OF  
**PERRY, MILLER & JOHNSON LLP**

November 6, 1997

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Lester Snow, Executive Director  
CALFED BAY-DELTA PROGRAM  
1416 Ninth Street, Suite 1155  
Sacramento, California 95814

**NOV 12 1997**

Re: City of Petaluma CALFED Proposal  
July 25, 1997  
Adobe Creek Pilot Project

Dear Mr. Snow:

This law office represents a number of landowners on Sonoma Mountain, near the City of Petaluma. These landowners are riparian to Adobe Creek. We understand the City of Petaluma has applied for substantial funding for the Adobe Creek upper watershed. Part of the upper watershed is located on property owned by the City of Petaluma. The purpose of this letter is to bring to the attention of CALFED a Report recently published by the City of Petaluma which raises a number of inconsistencies with the City's CALFED grant application. This Report was published in July, 1997, as part of the City's plan to convert the upper Adobe Creek watershed to a municipal park. (The cover and relevant pages are included with this letter)

The City CALFED application extols the virtue of the headwaters as valuable riparian habitat for steelhead trout. However, in the enclosed Report the City concludes:

The boards in the diversion facility at the south end of the property have been removed, though the concrete abutments are still in place. There is about a 10 to 12-foot drop in the stream elevation at this old diversion point. Mr. Simmons reviewed this diversion facility with Bill Cox of the Department of Fish and Game. Mr. Cox stated that the remains of the facility need not be removed from a fishery perspective since there is **little fish habitat** above the facility (field observation showed that it was about 100 yards from this diversion facility to the springbox pipe outlet, and **above that outlet the streambed was dry**). It was further noted that in removing the facility, the sediments stored above it would be washed downstream, potentially adversely affecting stream habitat.

*diversion is at headwaters. There's 6 mi. of stream below = habitat*

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Further in the Report the City denies the ability of the upper watershed to support steelhead trout.

At present, Adobe Creek within Lafferty Ranch offers poor habitat for steelhead trout (Bill Cox, CDFG biologist, personal communication). There are several reasons for this condition. The dam/diversion facility near the lower border of Lafferty Ranch includes a 10-12 foot vertical drop which, according to Mr. Cox is a 100% effective block to upstream migration of salmonids. The only way to have steelhead upstream from the dam now would be by planting, which Mr. Cox thinks would probably be illegal at present. Also the amount of good nursery habitat decreases above the dam. Mr. Cox estimates that only one-eighth mile of suitable habitat exists above the dam before reaching the extensive slide area with low-quality habitat. In addition, July field surveys show the stream is dry approximately 100 yards above the diversion facility (though there is surface flow further upstream). Another factor reducing the quality of steelhead habitat is the extensive amount of unstable material adjacent to Adobe Creek in the land slide area. Heavy rains will create siltation problems downstream. Finally the location of the Ranch at the head of the watershed is a negative factor. Migrating steelhead would have to move 1,200 vertical feet up a steep slope just to reach the lower boundary of the Ranch below the dam, with many possible obstructions along the way.

In this same Report, the City has determined that "the proposed public access to Lafferty could have negative impact on any steelhead population that might exist now or in the future."

Finally, in the grant application the City asserts it "has an established long-standing relationship with the ranchers whose properties are traversed by Adobe Creek and feels confident that an agreement for fencing of the riparian corridor can be achieved." (IV-1) Since all of these riparian ranchers are opposed to Petaluma's plan to create a city park

*this proposal  
1994 about  
creating a  
city park*

*would need  
to show us  
this agreement*

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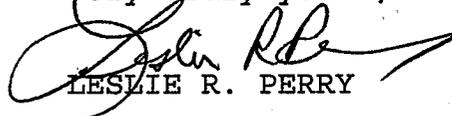
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out of the upper watershed, there is no basis for this assertion.

The riparian owners support the protection and restoration of Adobe Creek. Because of the many issues related to the City's plans for a municipal park in the upper watershed, it seemed prudent to bring these inconsistencies to the attention of CALFED.

I am available to provide further information and to answer any questions at your convenience. Your anticipated consideration of these observations is greatly appreciated.

Very truly yours,



LESLIE R. PERRY

/LRP  
Enclosure

cc: Kate Hansel  
Barbara Tanaka