



The Sonoma County Grand Jury

ADOBE CREEK DEBACLE AND RESTORATION

June 2, 2004

Summary

The clear-cutting of a section of Adobe Creek in Petaluma and of Copeland Creek in Rohnert Park by the Sonoma County Water Agency (the water agency) in fall 2003 generated much citizen concern which was expressed in the local news media. This prompted the 2003-2004 Sonoma County grand jury to review the situation. It found the water agency is responsible for creek flood control, and in some instances, creekside maintenance. At times, these responsibilities are in conflict.



Before Clear-cutting on Adobe Creek



After Clear-cutting Adobe Creek

The water agency's inappropriate clear-cutting on Adobe and Copeland Creeks drew attention to its past questionable grading practices on other creeks in the county. This jury's report, however, focused on the water agency's work on a section of Adobe Creek near Sartori Bridge in Petaluma (see map, Exhibit A). This section of Adobe Creek is city property and has been maintained for over 20 years by the United Anglers Club (UAC) of Casa Grande High School (Casa Grande) science class students and community volunteers. Steelhead trout, an endangered species, seasonally inhabit Adobe Creek. The water agency has admitted it erred on this project by clear-cutting instead of selective thinning. It has subsequently proposed a pilot program that includes plants for revegetation, and funding and support for environmental education courses for students at Casa Grande and/or Petaluma High Schools. This could be a

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Adobe Creek Debacle and Restoraton (continued)

positive outcome of a negative situation by not only restoring Adobe Creek but offering the students in Petaluma high schools unique learning opportunities on watershed environments. This program is one the jury would like to see accomplished.

Reason for Investigation

This was a self-generated investigation due to considerable citizen concern expressed in the local news media in fall 2003 regarding the water agency's clear-cutting and grading practices on some local creeks. The water agency's practices were alleged to be detrimental to the stream bed and the fish habitat of several creeks in the county. This jury focused its attention on the damage done to a section of Adobe Creek that has been a long-standing creek enhancement project of Casa Grande students and community volunteers.

Background

Creeks are a plentiful and valuable resource in Sonoma County. They provide community benefits for recreation, open space, wildlife preservation, fish habitat and scenery. They also contribute to the recharging of groundwater. The water agency is under the direction of the Sonoma County Water Agency Board of Directors whose members consist exclusively of the Sonoma County Board of Supervisors. The water agency acquires, treats and sells water to numerous governmental agencies, businesses and private parties in Sonoma and Marin Counties. It has a primary responsibility for creek monitoring and maintenance for flood control, and in some instances, creekside maintenance. It also processes wastewater and provides recycled water for non-potable uses such as agriculture. Natural resource protection and the potential for private property flooding can be conflicting responsibilities.

The Casa Grande UAC operates a fish hatchery which is a nationally recognized program that was founded over 20 years ago by the present director, who is also a science teacher at the school. This program, supported primarily through student fundraisers and community donations, provides valuable learning experiences for the students while protecting the Adobe Creek habitat and its steelhead trout, an endangered species. The management of UAC is provided by the director and his parents. A graduate of the fisheries program assists 15 hours a week and is paid from funds that are raised by UAC. There is no back-up staff for this program at the present time.



Student Gear

Investigative Procedures

The jury interviewed the following persons:

- Director, United Anglers Club/Science Teacher, Casa Grande High School
- General Manager/Chief Engineer, Sonoma County Water Agency
- Principal, Casa Grande High School
- Deputy Superintendent Business and Administration, Petaluma School District
- Interim Director, Department of Water Resources and Conservation, City of Petaluma
- Supervisor, Northern California Protected Resources, National Oceanic & Atmospheric Administration (NOAA) Fisheries
- Member, Sonoma County Board of Supervisors

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The jury reviewed the following documents:

- “Blanket Agreement III-335-82” of April 1982, California Department of Fish and Game (DFG) to the Sonoma County Water Agency to maintain fisheries on Adobe Creek
- “Revocable License #1279” of October 1987, Sonoma County Water Agency to United Anglers Club-Casa Grande High School for fish protection and “delittering” on Adobe Creek
- “Grant of Easement” of January 1995, City of Petaluma to Sonoma County Water Agency regarding maintenance of Adobe Creek
- “Channel and Creek Maintenance Responsibility” map of City of Petaluma dated December 9, 2003 (Exhibit A attached)
- Sonoma County Water Agency letter of January 6, 2004, proposing the pilot program
- “County of Sonoma Agenda Item Summary Report” of February 24, 2004, Board of Supervisors’ meeting approving Sonoma County Water Agency’s proposal for a pilot watershed environmental education course and outreach for stream maintenance program
- “Waiver, Release and Indemnity Agreement” form used by Casa Grande High School students for their creek restoration and maintenance activities
- Sonoma County Water Agency organization chart FY 2002-2003
- Newspaper coverage on the Adobe Creek issue, fall 2003-spring 2004

The jury participated in the following:

- Tour of Sonoma County Water Agency facilities
- Tour of the Casa Grande High School science classroom and fish hatchery
- Viewed Adobe and Copeland Creeks’ clear-cut areas
- Attended Board of Supervisors’ meeting of February 24, 2004 regarding Sonoma County Water Agency’s proposal
- Attended Adobe Creek Community Outreach meeting, April 29, 2004

Findings

- F1. The UAC Board of Directors consists of 12 adults and is financially accountable to the Petaluma Education Foundation.
- F2. NOAA provides some technical support to the UAC and is supportive of the fish hatchery operation which includes steelhead trout that are on the Endangered Species Act list.
- F3. The NOAA representative would like to offer the UAC program additional resources such as marine biologist presentations, information on available grants and more frequent participation in the program.
- F4. The water agency provides water to about 570,000 people in Marin and Sonoma Counties. It is charged with flood control and protection of the endangered species steelhead trout and coho salmon that inhabit Sonoma County rivers and creeks.
- F5. Certain discrepancies were found in the following water agency documents:
 - 1995 “Grant of Easement” to the water agency from City of Petaluma, which owns the creek bank that was clear-cut, does not permit maintenance of Adobe Creek landscaping and mowing of grass

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- “Revocable License #1279”, water agency to Casa Grande UAC to maintain fisheries in Adobe Creek had expired December 31, 2000
- F6. The Casa Grande principal was supportive but not knowledgeable of the administrative details of the UAC fish hatchery-Adobe Creek program. Although it was running smoothly and providing outstanding educational benefits, it appeared not to have been monitored administratively. This contributed to the lack of communication between the Petaluma School District and the other agencies that were involved with the Adobe Creek situation.
- F7. Although the water agency’s clear-cutting did not follow its plans at Adobe Creek it has assured the public that safeguards are in place to prevent recurrence.
- F8. In January 2004, the water agency staff met with representatives of Petaluma School District, City of Petaluma, Sonoma County Board of Supervisors and NOAA concerning the Adobe Creek situation. The water agency has offered up to \$150,000 a year for each of 5 years for a pilot program for environmental education courses at two Petaluma high schools plus a donation of 200 native trees for planting by UAC for restoration work on Adobe Creek. The Sonoma County Board of Supervisors approved this proposal.
- F9. Casa Grande and Petaluma High School principals are presently making decisions on how best to utilize the pilot program funds. Suggestions range from new science projects to replacement of a bridge that adversely affects the flow in Adobe Creek.
- F10. The pilot program offered by the water agency will not be put into effect until Petaluma School District completes its written curriculum. It must then be reviewed by the pilot program technical advisory committee that includes representatives of the water agency, City of Petaluma, Petaluma School District, DFG and NOAA.
- F11. The water agency also proposed a stream maintenance outreach and guidance program with the City of Petaluma. It requires the city to conduct community outreach regarding stream maintenance activities and to work with the water agency to balance flood protection and riparian habitat needs.

Conclusions

The focus of this report was on the water agency’s clear-cutting on a portion of Adobe Creek in Petaluma and its effect upon the fish habitat and creekside environment. The damage was distressing to some residents who saw it. It was particularly devastating to the UAC students, their director and community volunteers who had been maintaining it.

Responsibility for Adobe Creek maintenance was confusing because portions of its creekside property are owned by various agencies and private individuals. The portion of Adobe Creek where the clear-cutting occurred is owned by the City of Petaluma. The water agency has an agreement with the City of Petaluma for maintenance of the stream bed but not the stream banks.

A positive outcome of this negative situation was the water agency’s proposal to provide a restorative program for Adobe Creek and unique learning opportunities for students in Petaluma high schools on watershed environments.

Commendations

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The jury commends the dedication of the UAC director at Casa Grande for founding and guiding the outstanding student-operated fish hatchery/stream maintenance program that provides a unique learning and motivating environment for students, and creek enhancement for the community.

The water agency, with Sonoma County Board of Supervisors' support, is recognized for initiating the pilot program to provide the coordination, considerable financing, planting stock and environmental education programs for Petaluma high schools.

Recommendations

- R1. The water agency must audit and update its agreements with the City of Petaluma, DFG and Casa Grande High School on Adobe Creek immediately.
- R2. Petaluma School District high schools' principals must coordinate all of the applications for the pilot program to assure collaboration in the preparation of curriculum in order to produce the most equitable programs.
- R3. The UAC director/Casa Grande science teacher should as soon as possible take advantage of the pilot program opportunities as well as NOAA's offer of additional resources that could enhance the UAC program.
- R4. The water agency must implement its offer of a pilot program as approved by the Sonoma County Board of Supervisors.
- R5. The City Council of Petaluma, Petaluma School Board, DFG and NOAA should commit necessary resources for their participation in this pilot program.
- R6. The Director, Department of Water Resources and Conservation of the City of Petaluma should conduct community outreach regarding stream maintenance activities and work with the water agency to balance flood protection and riparian habitat needs within the city.
- R7. The Casa Grande principal must provide administrative support and an additional backup position for the UAC director by fall 2004.

Required responses to Findings

None

Requested responses to Recommendations

California Department of Fish and Game – R5
Supervisor, National Oceanic and Atmospheric Administration Fisheries – R5

Required responses to Recommendations:

General Manager/Chief Engineer, Sonoma County Water Agency – R1, R4
City Council, City of Petaluma – R5
Director, Department of Water Resources and Conservation, City of Petaluma – R6
School Board, Petaluma School District – R5
Principal, Casa Grande High School – R2, R7
Principal, Petaluma High School – R2
Director of United Anglers Club/Science Teacher, Casa Grande High School – R3

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Exhibit A: Adobe Creek near Sartori Bridge

