

Remembering Eppie Johnson

In September, we lost a strong advocate for the American River Parkway and people with disabilities — Eppaminondas G. Johnson, best known simply as Eppie.

Eppie gave us Eppie's Great Race, the world's first triathlon and the Parkway's most popular annual event. When proceeds from last year's race were counted, more than \$1 million had been raised for Sacramento County Therapeutic Recreation Services which provides activities for people with developmental disabilities.

Eppie, who turned 85 last May 7, had said he hoped to be present for the 40th run of the Great Race in July. He got his wish.

"Eppie always thought he would be best known for his restaurants, but he may be

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Eppie Johnson was still kayaking in his 80s. Photo by Charlie Willard



Photo by Warren Truitt

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Why is SARA Suing Sacramento County?

BY BETSY WEILAND AND BILL DAVIS

In 2011, Sacramento County mandated a "new business model" for Regional Parks in an effort to reduce the demand for county funding. As a result, the county is issuing permits for as many special events and activities as possible in order to make the American River Parkway pay for itself.

Those permits have allowed events not previously seen on the Parkway and which clearly are not in compliance with the American River Parkway Plan 2008. The County has the principal responsibility for administration and management of the Parkway. And the County is charged with doing so in accordance with the Parkway plan. The Parkway Plan has been placed into state law and provides a framework for the permitting decisions on the Parkway.

Permits have been issued for events such as a rock and heavy metal concert, and a footrace on a path for equestrians. Public areas have been fenced off and food trucks have been parked atop tree roots in picnic areas. There has been damage to the Parkway's natural habitat and recreation areas. Tree branches have been slashed off, turf has been torn up and event areas have been littered. And while that has been occurring, the County has reduced its ranger and maintenance staffs. One of the unknowns is the impact that large crowds and loud music have had on the Parkway's wildlife.

Save the American River Association board members did an analysis of four county-permitted special events: 'Truckin' On The

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Please Join Us For SARA's Annual Meeting

Saturday, December 7, 2013 at the Effie Yeaw Nature Center

We will meet in memory of Eppie Johnson who gave 40 years of service to the Sacramento County Regional Parks Therapeutic Recreation Services and the American River Parkway.

Coffee, Breakfast Rolls & socializing — 9:30 a.m.

Meeting Begins — 10:00 a.m.

Buffet Lunch — 11:30 a.m.

Support the EYNC: Enjoy the Annual Holiday Sale — 9 a.m. - 4 p.m.

Why is SARA Suing?

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River, Gold Rush 100K Race, Gold Country Orienteering and Aftershock 2013 Rock and Metal Concert.

Without question, these events were inconsistent with the Parkway Plan's goals and policies, and therefore violated state law. Those analyses are on SARA's website:

www.sarariverwatch.org.

SARA's leadership has met and communicated with County officials on numerous occasions over the past year concerning permitted special events and activities that violate the plan. Our efforts have met with no success. The county continues to issue permits that are non-compliant.

SARA does not object to special events and activities in the Parkway that generate money for the County — provided they are consistent with the American River Parkway Plan 2008 which mandates preservation of the Parkway's natural resources and aesthetics. The Parkway Plan details a public process for changing its provisions. SARA objects to any efforts to modify the plan that do not strictly adhere to that legal process.

The Parkway Plan mandates that the county is to develop a Resource Impact Monitoring Plan to provide an

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objective basis for determining the impacts from special events and activities on the Parkway's native environment and natural resources. To date, the County has failed to prepare the Resource Impact Monitoring Plan even though it has been five years since the requirement was adopted by the County Board of Supervisors.

Our democracy provides legal recourse to parties who cannot resolve their differences. SARA has concluded, after more than a year of meetings and

communications with County officials, that our only course of action to protect the American River and Parkway, and the integrity of the American River Parkway Plan 2008, was to file a suit in Sacramento County Superior Court asking for a ruling directing the County to comply with its obligations under the Parkway Plan.

This is a marked change in the relationship between the County and SARA. Historically, SARA and the county were united under the goals and policies of the American River Parkway Plan in our efforts to protect and preserve the Lower American River and Parkway. Today, the County pursues uses of the river and Parkway to make money rather than protecting our "crown jewel" and regional treasure for the benefit of everyone.

SARA was founded in 1961 to establish the American River Parkway and subsequently participated in the adoption of the first American River Parkway Plan in 1962. SARA's mission is to protect and enhance wildlife habitat, fishery, and recreational resources. In pursuit of that mission, we have had to resort to legal action at times. SARA uses consistency with the Parkway Plan as a guiding principle in its work and expects others to do the same.

American River Parkway Plan 2008 is the community's expression of how to operate and manage the American River Parkway. It can be read and accessed at

www.regionalparks.sacounty.net ■

Please consider a contribution to SARA's Legal Defense Fund. Your support has been, and always will be, critical to our success. Checks, made out to Save the American River Assn., may be sent to the SARA office, 4441 Auburn Blvd., Suite H; Sacramento, CA 95841-2551.



Containers were dragged into Discovery Park for the Aftershock concert, tearing up turf and breaking tree limbs. Photo by George Nyberg

Resources Management Under the Public Trust Doctrine

BY FELIX SMITH

History shows that a policy of resource protection and sustainable management maybe wise, but it seldom has a big enough constituency to fight entrenched interests seeking private/personal gain. Those interests seem to win through political connections and power politics, be it in Washington, D.C., or Sacramento.

The vision for managing natural resources and other common heritage assets is the Public Trust Doctrine. The Public Trust Doctrine came to us from old Roman and English law. Public Trust properties are natural resources and ecological values in addition to traditional use of navigation, fisheries and commerce. The beneficiaries are present and future generations. The trustee is government.

... governments have a fundamental duty to promote and maintain a healthy natural environment on behalf of current and future generations.

Management under the Public Trust Doctrine is about sharing natural resources and amenities. It is about sharing or using only the long-term sustainable interest (annual growth, annual production), not cutting into the principle, the corpus of the trust, i.e. the resource base; be it soil, water, air, fisheries, wildlife, forests, grasslands, unique treasures and etc. For example, a policy that protects, restores, and enhances, natural resources, ecological, ecosystem and recreational values is relevant to the American River Parkway, its Chinook salmon and steelhead resources, and open-space values.



Photo by George Nyberg

Under the Public Trust Doctrine, all governments have a fundamental duty of environmental stewardship to maintain and sustain natural resource amenities for the welfare of our society. Precaution must be the by-word. Government agencies, boards and commissions must act wisely. They must look ahead, anticipate adverse actions or impacts, and include protective means and measures in permits and licenses they issue. In summary, governments have a fundamental duty to promote and maintain a healthy natural environment on behalf of current and future generations.

This fundamental duty is not optional; it is mandatory. According to the Audubon decision (National Audubon Society v. Superior Court – 33 Cal. 3d 419 – 1983), protecting the Public Trust is an affirmative duty, one that government cannot repudiate or deny. Government has the duty to come down on the side of protecting commonly held resources, amenities, uses and values. At times, as a part of its affirmative trust duty, government has the obligation to limit the private uses of public resources and from time to time limit the prerogatives of private property uses. For example, water rights remain subject to the state jurisdiction to prevent wastes and

unreasonable use as in irrigating saline and seleniferous soils, or dumping waste into streams. Governments have a duty to protect air quality and prevent development in flood-prone or other hazardous areas. In water management, it means conserve and manage the natural water supply as a resource and an ecosystem, and protect it against natural and man-caused impacts such as temperature increases, chemicals or sediment. This effort is to conserve, protect and restore water quality to provide for the greatest re-use capability as a resource and ecosystem.

In 1908, the California Supreme Court stated: “the public is not to lose its rights through the negligence of its agents, nor because it has not chosen to resist an encroachment by one of its own number, whose duty it was, as much as that of every citizen, to protect the state in its rights” (People v. Kerber 93 Pac Rpt 878, 879). Therefore, the public is not time barred from taking action against ill gotten or fraudulent gains for there is no statute of limitations against a Public Trust action (Cal Trout v. SWRCB – 207 Cal. App. 3d 585 - 1989). Members of the public have standing to bring a Public Trust complaint to a local or state board or to a court. ■

California Bans Lead Shot

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turkeys. Deer and beef cattle that graze in lead-contaminated landscapes pass it on to humans who eat the meat.

In 1991, the U.S. Fish & Wildlife Service banned the use of lead shells for waterfowl hunting after studies found high concentrations of lead in wetlands. In 2007, California banned

the use of lead ammunition in hunting zones within the state's condor range. Last year, the National Academy of Science concluded that the California Condor won't survive unless lead ammunition is removed from the environment.

AB 711 directs the California Fish &

Game Commission to adopt regulations by July 1, 2015, that phase out various types of lead ammunition. All forms of lead cartridges are to be banned from being imported or sold in California by July 1, 2019. ■

SARA Membership Donations *July — September 2013*

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SARA appreciates the support of our generous members. Without your support, SARA would not be able to continue our role as *Guardians of the American River and Parkway* since 1961. New and renewing members are listed in *Riverwatch* according to their preference (indicated on the SARA membership/renewal form).

In Memoriam

Save the American River Association has received donations honoring the memory of the following friends:

Pete Altenburg

Bill Berry

Rose Munjak

Stroube Richardson

Save the American River Association frequently receives donations in memory of lost loved ones, many of whom were users and supporters of the American River Parkway. Some donors give names. Others prefer to remain anonymous.

SARA notifies family members when donations are made and those people are always very appreciative. The money is used to further SARA's advocacy work on behalf of the Parkway. Contributions may be made by check, Visa or Master Card. A form for contributions appears on the last page of this newsletter.

SARA also has a Legacy program. For information on the program, please call the SARA office (916) 482-2551. ■

Fewer Deer are Browsing California

BY STEPHEN GREEN

The California Dept. of Fish and Wildlife estimates there are 445,000 deer in the Golden State — down from 2 million in the 1960s and 850,000 in the 1990s.

“We’ve been destroying their range,” said Craig Stowers, Environmental Program Manager for the department.

In the 1960 census, 15,850,000 Californians were counted, but Stowers noted today there more than 38 million of us.

“We’ve been paving their habitat, covering it with houses and shopping centers,” he said.

With many more roads and vehicles traveling them, State Farm Insurance also estimates the odds of hitting a deer with your car are 1 in 1,046.

Yet Stowers says he’s “cautiously optimistic” that California’s Mule and Black-tailed deer populations won’t decline much more. Their numbers have been stable in recent years and habitat restoration programs are underway.

Stowers added that there are other “human influences” besides population and urban growth that have given us smaller deer communities.

Deer love rich green sprouts on weeds and shrubs that pop out in springtime or in areas that have been logged or burned over. But unlike the 1960s, there is now there is more old-growth forest management in California. Deer don’t like old-growth forests. Logged and burned over areas also being sprayed to control new growth that deer formerly browsed.

The Central Valley was once covered with oak woodlands. Deer would

migrate from mountains in the fall to feed on the falling acorns and spend the winter in warmer valley and foothill areas. Today, however, there are only vestiges of the oak woodlands.

As a result, many deer don’t migrate any more. Many spend their lives within a radius of 5-7 miles, often around parks, golf courses and rural or foothill yards.

*“We’ve been paving
their habitat,
covering it with
houses and shopping
centers.”*

CRAIG STOWERS
ENVIRONMENTAL PROGRAM
MANAGER, CALIFORNIA
DEPARTMENT OF FISH AND GAME

That’s why the American River Parkway is so popular with deer. There are many lush hiding places and adjacent yards where the grazing is good. Last October, one Fair Oaks resident whose home backs on the Parkway awoke find 19 deer in his yard. In the 1960s, there also were bear and cougar predators on the Parkway. Now, the bear are gone and a cougar is seen only rarely.

Still another factor in the loss of deer is the proliferation of illegal marijuana plantings in deer habitat. The growers often trap or shoot deer that browse on their plants.

Then in 2009, biologists found a non-native infestation of lice in Tuolumne



A Mule Deer checks out cyclists on the Parkway

County which has since spread to other areas. The lice cause deer to lose hair and also attack internal organs. Stowers said, however, that a study of populations with and without the lice found no difference in mortality.

Some observers have suggested that over-hunting could be another factor. The state banned hunting of does in 1958. Today, in some areas of the state there are only 20 bucks per 100 deer.

But Stowers contended a lower ratio of bucks to does is not a factor.

“A buck can service 100 does,” he said.



Book Review

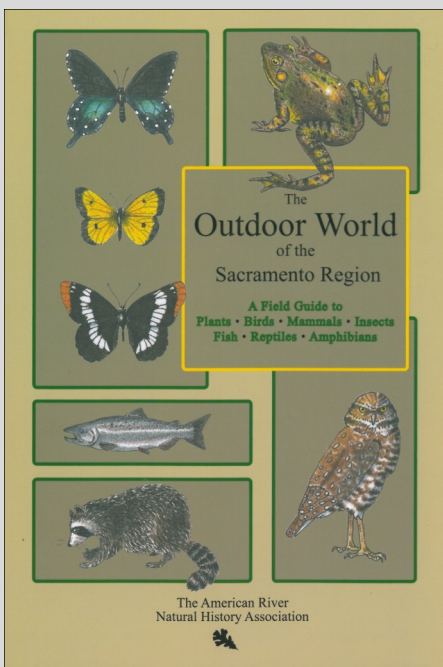
THE OUTDOOR WORLD OF THE SACRAMENTO REGION edited by Peter J. Hayes, Molly Keller & Peggy Kraus Kennedy. American River Natural History Assn. 240 pages. \$16.95 Paperback; 24.95 hardcover.

The American River Natural History Association has published the 13th edition of The Outdoor World of the Sacramento Region — and in full color for the first time.

The edition profiles more than 600 local plants, birds, mammals, insects, fish, reptiles and amphibians. It portrays regional landforms, weather and native peoples. There also are illustrations of scat from some of the more common animals in the area.

Naturalists and state and university scientists collaborated on the update of names and descriptions of the species. Artist Molly Keller hand-covered the 350 drawings that she, Jo Glasson Smith and Erin O'Toole had created for earlier editions.

The result is a beautiful and insightful field guide that should be in the



backpack of everyone who enjoys exploring our region.

The original version of the book was produced in 1963 by teacher-naturalist Effie Yeaw who's mission lives on at the Effie Yeaw Nature Center in Carmichael: "Bringing People to Nature and Nature to People."

The book can be purchased at the Center or online at arnha.org/books/outdoorworld2013. Proceeds from the sales benefit the Center. ARNHA members are entitled to a discount. ■

Support County Parks — Buy An Annual Pass

The Pass pays for itself in 10 visits and all funds go directly towards maintaining and operating the 15,000-acre system. For as little as \$50 per year, you can have unlimited access and parking in the parks.

Pass holders receive free daily entry into Regional Parks and annual passes are valid for one year from date of purchase.

Pass Fees Are Based On Use:

Vehicle	\$50
Vehicle + Trailer or over-sized vehicle (over 22 feet):	\$100
Vehicle + Horse trailer	\$75
Vehicle and small watercraft:	\$80
Parks supporter pass*	\$50

* This pass is for those who want to support Parks but do not drive to Parks facilities

Where to Purchase Your Parks Pass

- Online through the Sacramento County Web site www.co.sacramento.ca.us
- At REI stores in Sacramento, Roseville and Folsom
- Patriot Cycles in Fair Oaks
- Effie Yeaw Nature Center at Ancil Hoffman Park
- Regional Park offices and park kiosks
- American River Parkway Foundation Office at the William B. Pond Recreation Area

"In nature, nothing is perfect and everything is perfect. Trees can be contorted, bent in weird ways, and they're still beautiful."

ALICE WALKER



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My gift to SARA is a: *(Please indicate with an "X")*

☐ Renewal ☐ New Membership ☐ Non Membership Donation

☐ Memorial - In Memory of *(Name)*: _____

May we publish your name as a SARA member in a future *Riverwatch* issue?

*(Contribution amount will **not** be included)* ☐ Yes ☐ No

\$ _____ *(Please indicate your TOTAL contribution)* Check _____ VISA _____ MC _____

Insert credit card info below or go to our secure Web site to donate — www.sarariverwatch.org.

The following membership categories are suggested: *(Please circle your choice)*

\$10-\$24	Student	\$25-\$49	Regular
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☐ **Please send me information on SARA's Legacy Program.**

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