

Another American River Water Grab May be Coming

BY STEPHEN GREEN

El Dorado County's Water & Power Authority has asked the state for an unused 1927 water right in order to obtain 40,000 acre-feet of water yearly from the upper American River watershed.

That is a huge amount of water. If you stacked that water on a football field, it would be eight miles high.

Most American River water currently is used by local purveyors, Sacramento River users, Delta users, Delta exporters or for Delta outflow to benefit fisheries and the environment. The El Dorado diversion would take water away from those uses. Among the local purveyors with the greatest impact would be Folsom, Roseville, San Juan Suburban and the City of Sacramento.

El Dorado officials say they don't need the water right away. If the state gives them the water right, El Dorado plans to take the water away from the purveyors that currently use the water and then SELL THE WATER to other jurisdictions downstream — until new housing and commercial development in El Dorado County has a need for it!

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Folsom Lake

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Complaint Alleges Folsom and Nimbus Dam Operations are Harming Fish and Fish Habitat

Fishing and Environmental Groups have filed a complaint with state regulators contending that Folsom and Nimbus Dams are being operated in a manner that causes harm to fish and fish habitat in the Lower American River.

Both flows and water temperatures are inadequate to maintain fish populations and redds in the river during critical portions of the year, according to the complaint filed April 2 with the California Water Resources Control Board.

As a result, the U.S. Bureau of Reclamation, which operates the dams, is violating the Public Trust Doctrine, the California Fish & Game Code Section 5937, the California Constitution Article X, Section 2, and the Federal Clean Water Act, the complaint alleged.

The complaint was written by Felix Smith, the retired U.S. Fish & Wildlife biologist who exposed the gross contamination at the Kesterson Reservoir in the San Joaquin Valley. On June 7, 1983, he found the first of

hundreds of dead, dying and horribly deformed birds and embryos at the site.

Co-signing the complaint with Felix Smith were representatives of:

- Save the American River Association
- California Sportfishing Protection Alliance
- California Small Stream Council
- Public Trust Alliance

For healthy and sustainable fish populations to exist, the total aquatic environment and its land interface must be suitable for the species. Both state and federal law recognize that fact. California Fish & Game Code Section 5937 reads, in part: *The owner of any dam shall allow sufficient water at all times to pass through the fishway, or in the absence of a fishway, all sufficient water to pass over, around or through the dam, to keep in 'good condition' any fish that may be planted or exist below the dam.*

Yet in 10 of the last 13 years, temperatures in the Lower American have exceeded safe limits, causing some

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Complaint

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fish to die and inflicting harm on others that were holding or died without spawning. At times, water releases from the dams have been so low that fish eggs have been exposed in spawning redds, causing them to stop incubating. Young fry have been stranded in low water where they died.

In 10 of the last 13 years, temperatures in the Lower American have exceeded safe limits, causing some fish to die and inflicting harm on others that were holding or died without spawning.

The American River Steelhead Trout is listed as “threatened” under the Federal Endangered Species Act. Winter-run Chinook Salmon are listed as “endangered” and spring-run Chinook Salmon are listed as “threatened.”

The complaint recommends a series of actions that should be taken by the state Water Resources Control Board:

1. Require the Bureau of Reclamation to modify as soon as possible at least one of Folsom Dam’s powerhouse intakes to access the coldest water in Folsom Reservoir.
2. Require the Bureau of Reclamation to construct an automated temperature activated shutter system on at least one

powerhouse intake at Folsom Dam. The Sacramento Area Flood Control Agency in 2001 committed to spend \$2 million to cover the design and upgrade one penstock to a fully mechanized shutter facility or better alternative that accomplishes the same result.

3. Require the Bureau of Reclamation to implement an Annual Temperature Plan as a strategy for managing the Folsom Reservoir’s coldwater pool to meet the salmonid resource needs in the American River particularly during August through mid-to-late November. During that time frame, various life stages of naturally spawned and rearing juvenile and smolt Steelhead Trout and fall-run adult Chinook Salmon are migrating, holding and spawning, and egg incubation is occurring. Achieving the proper temperature to protect salmonids in the Lower American River as measured at Watt Avenue should help meet the intent and purpose of Fish and Game Code

Section 5937. Verification through monitoring of physical parameters, fish populations and aquatic community health will be necessary.

4. Require the Bureau of Reclamation to modify the operation of Nimbus Reservoir as needed to meet revised temperature criteria in the Lower American River. That may require modifying the intake structure to the Nimbus Dam power generating facilities (it pulls water from the surface). It also may require at certain times of the year that Nimbus Reservoir be operated as run of the river facility in order to reduce its heat sink affect during low-flow periods.

There is indisputable evidence that fish runs in the Lower American River have been declining for decades. Signers of the complaint hope that the Water Resources Control Board will act promptly. If the board fails to act or there is a significant delay in proceedings, litigation may be necessary. ■



Folsom Dam

Water Grab

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This project would have enormous impacts on water supply for downstream water users, on the flow of water and water temperatures in the Lower American River, and on recreation at Folsom Lake and the forks of the Upper American River.

The El Dorado officials don't even have a plan developed for how they would take the water and pipe it elsewhere. They have issued a Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR). And they say they will develop the plan as part of the EIR.

If El Dorado was using all of the 40,000 acre-feet before this recent drought began, the water level in Folsom Reservoir in January of this year would have been lower than the pipeline through Folsom Dam that supplies Roseville, San Juan Suburban, and Folsom.

Save the American River Association and Friends of the River provided comments on the NOP, describing an extensive list of impacts and mitigations that should be addressed in the EIR. We will be carefully monitoring the EIR process. ■

*"The landscape
belongs to the person
who looks at it."*

RALPH WALDO EMERSON

Sophia Needs to Hear From You

At the Effie Yeaw Nature Center, there are birds, reptiles and amphibians who play an important part in the naturalist programs viewed by thousands of school children and other visitors each year.

One of the stars is Sophia, a Northern Saw-whet Owl, who lost her ability to fly after a collision with a motor vehicle. The American River Natural History Association

(ARNHA) estimates that nearly \$30,000 is spent annually for the care and feeding of Sophia and her friends.

Recently, ARNHA learned that due to changes in state Fish & Wildlife regulations, the Center's bird enclosures must be modified. The cost will be about \$5,000.

Contributions may be made through the ARNHA website: SacNatureCenter.net or by check to ARNHA, P.O. Box 241, Carmichael, CA 95609-0241. ■



Sophia, a Northern Saw-whet Owl at Effie Yeaw Nature Center

Water Regulators Gambled on the Drought

BY STEPHEN GREEN

Regulators define the “water year” as the period between Oct 1. to Sept. 30 of the following year. The 2013 water year ending last Sept. 30 was a dry one, as we all know. But that didn’t trigger dramatic cutbacks in water deliveries south of The Delta.

State and federal water projects exported more than 826,000 acre-feet of water beyond what they had told water contractors they could deliver.

Despite scant rainfall during the first four months of the 2014 water year, they continued to ship 681,000 acre-feet of water south. As a result, water levels in the Shasta, Oroville and Folsom Reservoirs declined precipitously.

Operators of the water projects “gambled that rain would come and lost,” said Bill Jennings, executive director of the California Sportfishing Protection Alliance. “And now, fisheries, water quality and the state’s economy will grievously suffer the consequences of their greed and egregious failure to reserve sufficient water storage for inevitable dry conditions.”

There were similar exports, he noted, during previous droughts of 1976-77, 1987-92 and 2007-09.

During and after each of those droughts, fishing, environmental and some agricultural organizations have filed protests over the management of the water projects with the state Water Resources Control Board. Laws and court rulings have been ignored, fisheries and fish environments have been degraded, saltwater intrusion has

occurred in The Delta and water quality has decreased. Yet the Water Resources Control Board has never subjected water project operators to enforcement actions.

“It is time that we learn from these (water release) decisions and chart a new course. We need new policies that emphasize maintaining greater water reserves in our reservoirs so that we are better prepared in case a drought occurs.”

RANDALL WILSON

PRESIDENT, ROSEVILLE CHAMBER OF COMMERCE

In the past century, California has experienced drought during 40 years.

“California cannot resolve its reoccurring water crises until it brings water demand into balance with available water supply,” Jennings said. “That includes adjudicating water rights, developing a viable water management and drought response police, retiring impaired farmland, and maximizing water use through conservation, reclamation and recycling.”

Folsom Lake “is our water bank,” added Randall Wilson, president of the Roseville Chamber of Commerce. “It is time that we learn from these (water release) decisions and chart a new course. We need new policies

that emphasize maintaining greater water reserves in our reservoirs so that we are better prepared in case a drought occurs.”

So, how do we do we bring water demand into balance with available supply? How can we put a stop to overdrafting of San Joaquin Valley groundwater where portions of the valley are sinking? Officials who regulate water releases won’t listen to reason.

It’s notable that only about 8 percent of California’s water goes for domestic consumption. Another 17 percent supplies businesses or waters landscapes. Seventy-five percent of our water goes to agriculture!

Of the water shipped south of The Delta, 55 percent goes to the Westlands Water District and the Kern County Water Agency. Those districts often sell part of their subsidized water to other districts. And they irrigate land that historically had been used for grazing several months per year and then dried up and was fallow until rains came the following winter. Yet the growers receiving water from those agencies contribute less than .03 percent annually to California’s GDP.

There’s been a dramatic shift in crop production in California in recent decades. Land that cattle once grazed or had row crops that weren’t planted in times of drought are now growing almonds and pistachios — crops that need water every year.

California almond production

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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).

WILDLIFE IS AT RISK

California has 34 species and subspecies of fish that are listed as threatened or endangered.

For animal and bird species, 47 are listed as endangered, 36 are listed as threatened, six are candidates to be added to the lists.

In Memoriam

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

Janet Baker
John Bane
Ron Brown
Thorne Gray
Bill Griffith

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.



Pot Farms Suck Up Scarce Water

A marijuana plant sucks up an average of six gallons of water each day during the growing season, according to state officials. Growers are tapping streams and rivers for their crops during one of the worst droughts ever recorded in California. Some steal water from hydrants or homes and businesses to fill their tank trucks.

That wasn't the chief reason the Sacramento County Board of Supervisors voted in late April to ban the planting of marijuana outdoors in unincorporated areas of the county. But the water demands of marijuana plants were one of the factors.

Many jurisdictions in California have taken similar steps including the Cities of Sacramento and Elk Grove.

As Sheriff Scott Jones explained, there's been an "explosion of marijuana grows" in the area. There is a lack of clarity in federal and state laws on marijuana plantings, he said. Organized crime is involved in the planting and harvesting. There are increasing numbers of complaints from residents in the proximity of plantings who are worried about their safety, quality of life and

demands the plants make on the environment. Violence can occur when people try to steal or protect the plants. One plant can produce pot worth \$1,500.

The day after Sacramento County Supervisors banned outdoor marijuana plants, \$2.5 million in marijuana was seized from two homes in Citrus Heights and El Dorado County — along with seven firearms and several hundred thousand dollars in cash. Two people were arrested.



The demand for water for pot farms is especially high on the North Coast where record lows are being measured on some rivers. Last summer, 24 tributaries to the Eel River went dry in Mendocino and Humboldt Counties. All of them had been tapped by marijuana growers, according to Scott Bauer, a fisheries

biologist for the state Dept. of Fish & Wildlife.

Investigators seized nearly one million plants on federal lands in 2012. And 86 percent of those were found in California.

Shasta County officials estimate that the number of illegal pot farms in their area has doubled in recent years. Many of the growers have denuded hillsides so that their crops can get maximum sun. When wet weather returns, the hills can be severely eroded.

Shasta Supervisors approved an ordinance banning the growing of marijuana plants outdoors and put a 12-plant limit on indoor gardens producing pot for medicinal use. Opponents hope to kill the ordinance with a measure on the November ballot.

Some growers also use excessive amounts of fertilizers and pesticides which get into waterways. Rodenticides are used extensively. That harms pets and wildlife that eat the pesticides or animals that already had consumed it. At a Humboldt County pot farm last year, officials seized a banned pesticide, Carbofuran. There was enough to kill more than 700 bears, officials said. ■

Growers are tapping streams and rivers for their crops during one of the worst droughts ever recorded in California.

Regulators

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consumed 870,000 acres in 2012. That compares to 411,000 acres in 1989. In Stanislaus County where a great deal of the overdrafting is occurring, one in six agricultural acres is now planted in Almonds.

“Our water is supporting unsustainable agricultural practices,” said Barbara Barrigan-Parrilla, executive director of Restore the Delta, a grass-roots group including Delta residents, business leaders, farmers fishers and environmentalists.

On that score, Barrigan-Parrilla gets a strong second from Richard Walker, professor emeritus of geography at the University of California, Berkeley, and the author “The Conquest of Bread: 150 Years of California Agribusiness.”

Walker proposes buying out Westlands growers. He estimates the cost would be about \$9 billion at current land prices. That would be far cheaper than building water tunnels under The Delta to ship more water south. And it would free up 1 million acre feet of water yearly on the average for other farmers and urban users.

“Farming Westlands is a bad bargain for California,” Walker said. “The area has too little groundwater and makes too little profit to pay for irrigation water (hence the subsidies). Worse, it has a severe problem of toxic metals in the drain water. Nor are its crops vital foodstuffs, being principally almonds for snacks, flavorings and beauty products.

“The land should be back to grazing,” he concluded. ■

American River Parkway Ranger Actions - 2013

CAMPING

782

Illegal camping citations issued

1,950

Garbage spots cleaned up

325

Work crew cleanups by probation or sheriff's prisoner crews - directed by Rangers

DOGS

262

Off-leash warning

73

Citations (\$328 fine for each citation)

BICYCLES

15

Bicycle accidents

FIRES

61

Wildfires and illegal campfires

MISCELLANEOUS

334

Life jacket warnings

33

Auto burglary (Window smash and grabs)

23

Narcotics arrests

■

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



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