

# South Fork Newsletter

County of El Dorado Chief Administrative Office

River Management Program

Spring/Summer 2013

## Annual Report

The 2012 Annual Report is posted on the County River Management web page at:

[http://www.edcgov.us/Government/EMD/Rivers/Annual\\_River\\_Use\\_Report.aspx](http://www.edcgov.us/Government/EMD/Rivers/Annual_River_Use_Report.aspx)

## The River Management Advisory Committee

The River Management Advisory Committee (RMAC) provides a forum for the discussion of river use issues, ideas and conflicts. RMAC is a formal advisory body which makes recommendations to both the County Planning Commission and the Board of Supervisors on matters related to whitewater recreation and campground development along the South Fork American River. The County established RMAC to be representative of a broad base of interests concerning the river. There are seven members:

- a permitted commercial outfitter
- a non-commercial boater
- a local business representative
- a local resident
- two members-at-large
- a California State Parks representative

Currently, all RMAC positions are filled. RMAC meets monthly, January through November. The meeting is usually held at the Lotus Fire Station. The public is invited to attend and participate at these monthly meetings.

If you would like to receive the minutes and agendas via email, please sign up on the County web site: [https://service.govdelivery.com/service/subscribe.html?code=CAELDOR\\_1](https://service.govdelivery.com/service/subscribe.html?code=CAELDOR_1).

Monthly minutes can also be viewed on the web at [http://www.edcgov.us/Government/EMD/Rivers/River\\_Advisory\\_Committee.aspx](http://www.edcgov.us/Government/EMD/Rivers/River_Advisory_Committee.aspx)

The RMAC meeting dates for the remainder 2013 are: June 18, July 16, August 20, September 17, October 15 and November 19.

## Flows on South Fork and Release Schedule

There are reliable boatable flows on the South Fork American River below Chili Bar with the Federal Energy Regulatory Commissions (FERC) relicensing of SMUD's Upper American River Project and PG&E's Chili Bar Dam. The new FERC licenses designate a Water Year based on snow surveys completed by the CA Department of Water Resources which then dictates a release schedule from Chili Bar Dam. 2013 is designated as a Dry Water Year. The current flow and release schedule can be found at the bottom of this page in addition to [dreamflows.com](http://dreamflows.com) and the [County River's web page](#). In addition to a designated flow schedule on the S. Fork American River below Chili Bar Dam there will also be scheduled flows on the S. Fork American River below Slab Creek Reservoir and on South Fork Silver Creek below Ice House Reservoir in future years.

## El Dorado County Parks -Prepared by Vickie Sanders

On April 30, 2013, the El Dorado County Board of Supervisor's approved a new division of the Chief Administrative Office which is the Economic Development/Parks and Trail Division. What this means is that Park Operations & Maintenance, Trails and River Recreation are in the same department.

There are many projects for the new division and one of them is the Henningsen Lotus Park Conceptual Plan to update the site plan. There will be a community meeting in September. Project updates will be posted on the County Parks web site [www.edcgov.us/Parks/](http://www.edcgov.us/Parks/). The public is encouraged to participate in the planning process.

## Coloma River Shuttle - Prepared by Howard Penn

South Fork American River and local community shuttle service will be back in service by Memorial Day weekend May 24th 2013. This is funded by a grant from El Dorado County Air Quality Management District in an effort to reduce the number of car-trips and carbon emissions in the

### South Fork American Below Chili Bar Dam Minimum Recreational Flow By Water Year (cfs)

- Water Year Type Dry -

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
March -Memorial Day	3 Hrs @ 1300	3 Hrs @ 1300			3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300
Memorial Day – Labor Day	3 Hrs @ 1300	3 Hrs @ 1300		3 Hrs @ 1300	3 Hrs @ 1300	5 Hrs @ 1500	5 Hrs @ 1500
Labor Day - September					3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300
October - February						3 Hrs @ 1300	3 Hrs @ 1300

region. The shuttle will operate throughout the summer season until October and you will be able to find the more information at [colomashuttle.com](http://colomashuttle.com). Schedules, routes, fees and pass information will be available by May 24th.

The Coloma River Shuttle is a program to:

- Shuttle river users, visitors, and local residents between Salmon Falls, Chili Bar/Placerville, and the Coloma Valley.
- Reduce traffic, emissions and parking issues within that same geographic area.

We will offer numerous shuttle stops at and between Salmon Falls, Coloma and Chili Bar/Placerville.

We would like to thank all of the many folks and organizations who have contributed to the possibility of making this shuttle service a reality. These include but are not limited to:

El Dorado County Air Quality Management District, El Dorado County Chamber of Commerce, Coloma-Lotus Chamber of Commerce, El Dorado County Chief Administrative Office and community friends and supporters.

### Safety and Crime Reporting

When going out on the river or hiking for the day please remember to not leave valuables in your vehicle to deter break-ins. It is best to recreate on the river with a partner, dress appropriately, have a first aid kit and rescue gear. Training and having a plan if something goes wrong can greatly increase your chances of survival or rescue. If you see suspicious activity, observe a crime or are a victim of a crime please call the El Dorado County Sheriff's Dept at 530-621-6600 and the appropriate land management agency. Their contact information is listed at the end of this newsletter.

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### Highway 99 Bridge across the South Fork of the American River Bridges to Be Retrofitted or Replaced

The El Dorado County Transportation Division (DOT) and CalTrans are currently in the planning phases of determining whether to retrofit or replace the Mount Murphy Bridge, Mosquito Rd. Bridge and the Hwy 99 Bridge across the South Fork of the American River. These bridges have

been identified as needing major maintenance to them in addition to a general goal to increase vehicle and pedestrian safety. Please visit the County DOT planning website [www.edcgov.us/BridgeProjects](http://www.edcgov.us/BridgeProjects) and Caltrans planning website <http://www.dot.ca.gov/dist3/Projects/> for further information on these projects and public input opportunities.



Mt. Murphy Bridge across the South Fork American River  
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### Prevent the transport of nuisance species by cleaning all boating equipment !

There is a **new invasive species** in California. The zebra and quagga mussels, originally from Ukraine, landed in the Great Lakes in the 1980s and have spread steadily throughout the Midwest and Mississippi River. The mussels have explosive reproductive rates and can quickly carpet the bottom of lakes and slow-moving rivers, disrupt the food chain (as filter feeders, they deplete the phytoplankton from the water), and clog water works. In recent years, the mussels have invaded Lake Mead and the lower Colorado River. They have moved through the Metropolitan Water District's Colorado Aqueduct and have now infested about a dozen reservoirs in Southern California. The California Department of Fish and Game is responsible for stemming the tide and sequestering the mussels in Southern California. While the most common threat is mussels "hitch-hiking" on the hulls and in bilge water of trailered boats, there is also the threat that they can be transported by whitewater crafts that move from river to river. The adult mussels can attach to the bottom of boats or in mud attached to the boat. More problematic to whitewater boating is larval mussels (called veligers), tiny organisms that drift down rivers and can live easily in splash water inside the raft/kayak. The best way to avoid distributing the mussels is to make sure that rafts and kayaks are clean (mud-free) and dry from river to river. Adults die within about a week when out of the water and veligers can be eliminated by simply draining the boat of residual water. Even though Northern California is not largely affected by this species at this time, it's a good idea

to get in the habit of a cleaning and drying rafts and kayaks between put-ins on different rivers. More information on this issue can be found at the following websites:

<http://www.dfg.ca.gov/invasives/quaggamussel/>  
<http://www.100thmeridian.org/>



**Mussel Shell on palm of human hand**



**Boat hull coated with Mussels**

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## Boaters' Rights

-Prepared by County Counsel, 1997

The main reasons for the legal uncertainty on the South Fork are that boaters' rights arise from one, or maybe two sources of state law, and neither source defines the precise territorial boundaries of those rights. First, the public has rights to use waters that are navigable by small recreational craft. These rights, the public's rights to navigate, include boating as well as the use



of the river bottom for related activities such as walking, standing and anchoring; the rights extend up to the river's "high water mark." Second, a wider range of public rights, including the public's right to navigate, arises when a waterway meets a stricter test of navigability. If

the waterway, in its natural condition, was navigable for commerce at the time California became a state, then the public trust doctrine established public rights and limits private property rights. Rights under the public trust doctrine extend up to the river's "ordinary high water mark."

Some people believe that the public trust doctrine applies even when the waterway meets only the easier test of recreational navigation – but the law is unclear on this point. The South Fork between Chili Bar Dam and Folsom Reservoir meets the easier recreational navigation test. Whether it meets the stricter commercial navigation test is presently a matter of opinion, not law. Therefore, we know that the public's rights to navigate exist on the South Fork, but we are not sure what additional public rights may exist. Furthermore, we do not know whether the public's rights to navigate extend to the "high water mark" or the "ordinary high water mark."

Even if we knew which mark was the proper boundary, courts have defined each term in different ways at different times. It should come as no surprise, then, that neither the courts nor any government agency has attempted to locate either mark along the South Fork. Lacking clear-cut legal guidance, we recommend that everyone fully recognize the public's rights to navigate below the high water mark that exists at any moment.

## Property Rights

The essence of private property is the owner's right to exclude others from their land. An unauthorized entry onto the lands of another is a trespass. So is an entry that exceeds the bounds of a landowner's limited consent. A trespasser is liable for any money damages the trespass causes, and a willful trespass is also a misdemeanor crime. If the trespasser acted with legal malice, punitive damages can be sought, but the courts will not normally issue court orders to prohibit future trespasses.

Landowners should realize that the legal doctrine of "necessity" sometimes excuses acts that would otherwise be trespasses. This doctrine authorizes entry onto private property if the encroacher reasonably believes that doing so is necessary to preserve life or property.

On the South Fork, "necessity" would normally authorize things like swimming to shore after losing a boat, righting and draining a capsized boat, or making short portages past areas the boater cannot navigate safely. It might allow advance scouting of difficult rapids, especially during high water. It would not apply to rest or convenience stops.

What if a boater or other recreational user is injured on private property? A special state law shields landowners from legal liability if they passively permitted the injured person to come onto their land for recreational purposes. This law was enacted to encourage landowners not to close off their lands from recreational users.

Therefore, unless recreational users pay for entry, or the landowner expressly invites them onto the land or the injury result from the landowner's willful or malicious misconduct, injured visitors bear full responsibility for their own injuries.

Many landowners along the South Fork have parcels whose boundaries extend under or across the river. This does not mean that the landowner can ignore the public's rights to navigate. It is unlawful to place fences, cables, wires, or other obstructions to navigation into or across the river. If the landowner does so, and a non-trespassing boater is injured, the landowner could be liable for damages.

**Respect Others' Rights**

To summarize, the best way for landowners and boaters to coexist is for each group to show a healthy respect for the others' rights. No one can fix with certainty the boundary lines between each groups' rights, because the law is unsettled and circumstances change constantly. The shifting zone between land and water is a gray area: property owners have a right to use their land, and to exclude trespassers, but boaters have a right to navigate without obstructions and to take reasonable actions to protect lives and property. We urge everyone to show mutual respect by exercising tolerance and common sense in their conduct.

Remember County River Patrol's authority is usually limited to education of the public. We do not have the law enforcement capabilities of the County Sheriff.

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**South Fork American River Clean Ups**

The County River Program led three river clean up events on the S. Fork in 2012. One clean up on the upper, one on the lower, and one low water river clean up on the State Park to Greenwood Creek section. River clean ups are coordinated by the County River Program, CA State Parks, Bureau of Land Management and the American River Conservancy. If you are interested in participating in a river clean up in 2013 or other volunteer projects, please contact the County of El Dorado River Program at 530-621-6052 or the American River Conservancy at 530-621-1224. Dates for the 2013 River Clean Ups are in the events section at the end of this newsletter. El Dorado County River Program would like to thank the following entities for their contributions to these efforts in 2012:



**A lost crawdad trap cleaned up from the river by Ray 2012**

All Outdoors Inc.	American River Resort
Adventure Connections	American Whitewater Exp.
American Rivers	Bureau of Land Management
American River Conservancy	CA State Parks
American River Recreation	CA Floaters Society

Café Mahjaic	O.A.R.S.
Calvary Chapel, Concord	Patagonia
Camp Lotus	PG&E
Coloma Resort	Resource Conservation Dist.
Crystal Basin Cellars	River Shack Pub and Deli
DeReimer Kayaking	Rubicon Whitewater
Env. Travel. Companions	Sierra Disposal
Friends of the River	Sierra Nevada House
Gold Rush Outfitters	Sierra Rizing Bakery
Inner City Outings	SMUD
Healing Waters Kokatat	The Coloma Club
Kokatat	The Forest Group
Marco's Cafe	UCD Outdoor Adv.
Mariah Whitewater Exp.	W.E.T. River Trips
Mira Flores Winery	Whitewater Excitement
NRS	Whitewater Voyages, Inc.

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**Events in the Coloma - Lotus Valley**

- July 22, 2013 – River Clean Up on the upper (Chili Bar)
- August 15, 2013 – River Clean Up on the lower (Gorge)
- August 21, 2013 – Low Water River Clean Up (C-G)
- Living History Days 2nd Sat of each month in Coloma at the Sutters Mill Site — Docents impart knowledge about the days of the Gold Rush.
- Coloma Gold Rush Live October 12<sup>th</sup>&13<sup>th</sup>, 2013. See the town of Coloma come alive as it was in 1849.
- Christmas in Coloma, December 14<sup>th</sup>&15<sup>th</sup>, 2013, 10am–3pm old fashioned Christmas with Local craft vendors, Wreath-making, music, games, food, and Santa!!!
- Farmers Market at the Gold Trail Grange (Coloma), Sundays Starting June 2, 9am – 12pm
- ARC Events, Please see [arconservancy.org](http://arconservancy.org) for details

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**County of El Dorado, River Management Program**

330 Fair Lane, Building "A"  
 Placerville, CA 95667  
 530-621-6052

**Marshall Gold Discovery State Historic Park**

PO Box 265  
 Coloma, CA 95613  
 530-622-3470

**Bureau of Land Management, Mother Lode Field Office**

5152 Hillsdale Circle  
 El Dorado Hills, CA 95762  
 916-941-3101

**Auburn State Recreation Area**

501 El Dorado Street  
 Auburn, CA 95604-3266  
 530-885-4527  
 Dispatch for On Duty Ranger: 916-358-1300

**Folsom Lake State Recreation Area**

7806 Folsom-Auburn Road  
 Folsom, CA 95630-1797  
 916-988-0205  
 Dispatch for On Duty Ranger: 916-358-1300

**Note:** You can find this newsletter on the El Dorado County Rivers web page, [www.edcgov.us/Rivers/](http://www.edcgov.us/Rivers/)