

# South Fork Newsletter

County of El Dorado Environmental Management Department  
River Management Program

June 2009

## Annual Report

The 2008 Annual Report is posted on the County River Management web page at

<http://www.edcgov.us/emd/Rivers/index.html>.

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## 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

RMAC usually meets the second Wednesday or Thursday night of each month, January through November. This is usually at the Lotus Fire Station. Currently all RMAC positions are filled. 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

[www.edcgov.us/emd/Rivers/river\\_advisory\\_com.html](http://www.edcgov.us/emd/Rivers/river_advisory_com.html)

The 2009 RMAC meeting schedule is posted on the web site listed above. The 2009 meeting dates scheduled are: July 9, August 13, September 10, October 14, November 12.

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## Summer Release Schedule

There are reliable flows on the South Fork American River below Chili Bar. The current flow and release schedule can be found at <http://dreamflows.com/> or the [County River's web page](#).

## Invasive Species Alert !!!

### Don't Move a Mussel !!!

**Prevent the transport of nuisance species.**

**Clean 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, disrupting 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 now have 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 a threat they can be transported by whitewater craft 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 most sure-fire way to avoid distributing them is to make sure 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 it's not a serious problem right now within Northern California, it's a good idea to get in the habit of a clean and dry raft/kayak between put-ins on different rivers.

More information on this issue can be found at the following websites

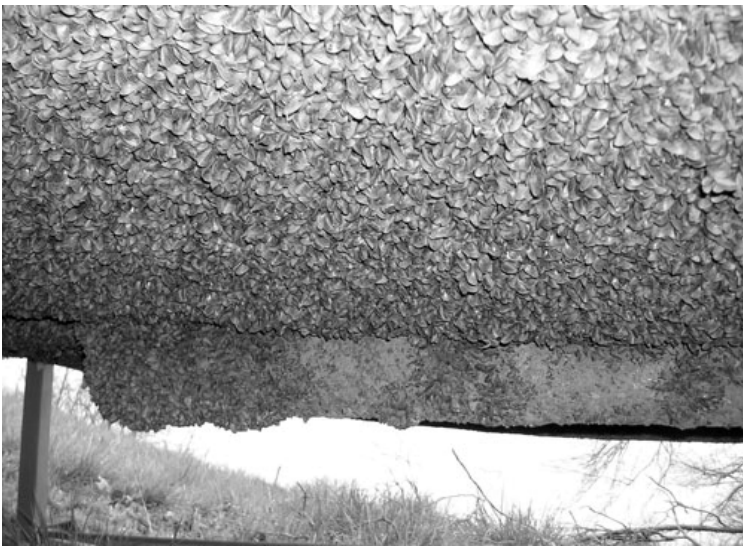
<http://www.dfg.ca.gov/invasives/quaggamussel/>

<http://www.100thmeridian.org/>

Photos of zebra/quagga mussels are provided on the next page.



Mussel Shell on palm of human hand



Boat hull coated with Mussels

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## River Shuttle Update

*Provided by Dan Crandall*



### News for Summer 2009:

- The River Management Advisory Committee once again recommended providing \$22,000 in matching funds towards this year's Air Quality Management District (AQMD) grant application. This money comes from the outfitter fees that are paid into the "River Trust Fund" by all commercial outfitters on the river. So next time you see an outfitter or pass a commercial raft, tell 'em thanks for the help!! (<:
- The Coloma - Lotus Chamber of Commerce also contributed \$5,000 in matching funds to the shuttle service. So visit the local businesses and show your appreciation!!
- We have secured a \$1.00 discount off of the normal Chili Bar fee for shuttle riders. Thank You ARC.

- We have been awarded AQMD grants for 2009-2010. This grant is what really makes the Shuttle service happen at this early stage. Without it we would not be operating!!

### WHAT is it? –

The River Shuttle service will transport kayakers, rafters and other community riders between parking and access points on the popular South Fork of the American River corridor. Our goal is to save you money and time while reducing traffic and emissions and improving parking at some of the popular access points. Community access to the shuttle service is also an objective. We have two vans and custom built trailers to haul kayaks and rafts/equipment. The routes will encompass all feasible access points between Salmon Falls and Chili Bar as well as a couple of non-River access points to facilitate community use on the return trips.

- BLM has allowed continued shuttle runs into Greenwood Creek and access through the far gate in the parking lot to turn around, so please help us and others out by keeping your gear clear of the drive through area in the parking lot. THANKS!!
- The Shuttle will operate for a limited number of days a week depending on the season. We will expand the schedule to accommodate increasing ridership and we will do our best to anticipate and respond by increasing our capacity. If you get left at the take out because the van is full there will be another van soon. To help, let the driver know you are there so we can better serve you.

### HOW do I get a ride? –

- Check [the schedule](http://www.theriverstore.com) on the shuttle website [www.theriverstore.com](http://www.theriverstore.com) or drop by the River Store for a copy of the shuttle schedule, and decide where and when you want to catch the shuttle.
- Stop by The River Store prior to your first ride and purchase your association membership card.
- Head to the spot you chose to catch the shuttle with plenty of time and be ready to go, with boat and gear ready to load quickly. You must be able to carry your own equipment - please do not depend upon drivers to lift and load your gear.
- Ride the shuttle to put in and paddle at your leisure to your take out car, **OR** use the shuttle at the end of the day to get back to your car at the put-in, and save the time in the morning for sleeping or breakfast runs!

### WHAT does it cost? -

Grant monies make the shuttle possible but they do not cover the total costs of operating this service, hence the need for users to pay. The pricing structure is subject to change. Your actual cost/ride will depend on how often you use the shuttle and whether you purchase the discounted seasonal memberships vs. weekend trial memberships. Our goal is to keep the cost low at \$7/person/day or less.

Starting April, 2009:

- Daily membership \$7.00 per person (unlimited use that day)
- Weekend membership \$13.00 (unlimited use that weekend)
- Spring membership discount pass \$ 52.00 (unlimited use from date of purchase through June 30th, 2009)
- Individual reservations are not actively taken at this time but we do take reservations from large private groups. If your group is going to be at a specific shuttle stop and you want to make sure in advance that we can accommodate you, can call Dan Crandall at 530-333-9115, or e-mail [Dan@Kayaking.com](mailto:Dan@Kayaking.com). You need to let us know of your large group's intent to use the regularly scheduled shuttle stop at least two days in advance.
- Special events along with Institutional and commercial groups and trips can reserve special shuttle schedule arrangements at least one week in advance.

### **THANKS FOR YOUR USE AND INTEREST IN THE SHUTTLE!!**

Send us your feedback on how it worked for you, any thoughts/ideas you have for improvement or additions for this season to [Dan@Kayaking.com](mailto:Dan@Kayaking.com)

Thanks everyone!

Dan Crandall and the River Shuttle Staff

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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 Right's**

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 will 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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### Agency Contact Information

[El Dorado County, EMD River MGMT](#) ←Return Address

2850 Fairlane Ct., Build. C  
Placerville, Ca 95667  
530-621-6052

Bureau of Land Management, [Mother Lode Field Office](#)  
5152 Hillsdale Circle  
El Dorado Hills, CA 95762  
Phone: (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

#### [Marshall Gold Discovery State Historic Park](#)

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

### River Cleanup's in 2009

The County led 3 river clean ups on the S. Fork in 2008. One on the upper, one on the lower and one low water cleanup on the "C-G" section. Cleanup's are coordinated by EDC River Patrol, CA State Parks, BLM and the American River Conservancy. If you are interested in participating in a river cleanup in 2009 or any other volunteer project please contact any of the agencies's listed above. EDC River Patrol wishes to thank many of the local businesses, river industry businesses and members of the community for their past contributions to these efforts. For a list of past contributors please see the fall 2008 newsletter online.

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### Events in the Coloma-Lotus Valley

- July 21, 2009 River Clean Up on the lower (Gorge)
- August 26, 2009 Low Water River Clean Up
- 2nd Sat of each month @ Marshall Gold Discover State Park – Live History Days – Docents imparting their knowledge from the days of the Gold Rush.
- 3rd Sat night from May to Sept 7:30-9pm @ Marshall Gold Discover State Park – “Characters of the Past” - Summer Performance Series
- ARC Events – Please see Summer Newsletter @ [arconservancy.org](http://arconservancy.org)
- EID S. Fork American River Watershed Tours – July 11 and July 25, 2009. Contact Melissa Marquez (530) 622-4513 or [mmarquez@eid.org](mailto:mmarquez@eid.org)

**Note:** You can also find this newsletter on the El Dorado County Parks/Rivers web page, [www.co.el-dorado.ca.us/Rivers/index.html](http://www.co.el-dorado.ca.us/Rivers/index.html) . If you want to continue to receive a paper copy of this newsletter please contact the El Dorado County Parks office. We would prefer to send an electronic version to you in the future. Please email [Noah.Rucker-Triplett@edcgov.us](mailto:Noah.Rucker-Triplett@edcgov.us) to have an emailed copy sent.