

South Fork Newsletter

County of El Dorado Environmental Management Department
River Management Program

July 2012

Annual Report

The 2011 Annual Report is posted on the County River Management web page at:

http://www.edcgov.us/Government/EMD/Rivers/Annual_River_Use_Report.aspx

2012 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](#).

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.

Monthly minutes can also be viewed on the web at http://www.edcgov.us/Government/EMD/Rivers/River_Advisory_Committee.aspx

The 2012 RMAC meeting schedule is posted on the web site listed above. The remaining meeting dates for 2012 are: July 12, August 16, September 13, October 11, and November 8.

Invasive Species Alert – Don't Move a "Mussel"!

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/>

Photos of zebra/quagga mussels are provided on Page 2.



Mussel Shell on palm of human hand



Boat hull coated with Mussels

El Dorado County River Patrol

Who are they and why do they “hide” on shore?

In 2011, over 100,000 people went boating on the 21 mile stretch of the South Fork American River between Chili Bar Dam and Folsom Reservoir. This number includes passengers of commercial and non-profit companies, as well as all private boaters. Usage of a natural recreation resource, such as the South Fork American River, needs monitoring and managing. The El Dorado County (EDC) River Patrol exists to help provide this as required by the EDC River Management Plan (RMP).

The EDC River Patrol consists of three seasonal staff (River Instructors) and the EDC River Recreation Supervisor. The seasonal help is brought on at the early stage of whitewater season and begins its preparations for the season ahead. The patrol provides a manifold of functions throughout the season which include:

- Boater/river-user education
- River safety
- Boat density data collection
- Water quality monitoring
- Facility maintenance
- River clean-up coordination
- Quiet-zone monitoring

The EDC River Patrol focuses much of its energy on educating and reminding boaters of safe and ethical boating practices and behavior. Education includes informing and reminding boaters of the rules and regulations pertaining to the river. The patrol staff makes contacts with anglers, inner-tubers, and other recreation users. The purpose of these contacts is to provide friendly advice and reminders about river safety and problems such as litter, private property trespass issues, and the quiet zone. Though the EDC River Patrol does not have law enforcement authority, the tools of education, persuasion and self-reproach are employed to facilitate compliance with the rules, regulations, and ethical recreational practices.

The EDC River Patrol is on the water monitoring for safety issues and mishaps. The patrol staff certainly cannot be everywhere at once, but tries to keep a watchful eye on areas of common concern, especially in the class III sections of river. On weekends, or times of heavy river usage, the patrol staff may be found at rapids such as: Meat-Grinder, Trouble-Maker, Fowler’s-Rock, Satan’s-Cesspool, or Hospital-Bar.

Patrollers might be perceived as “hiding” in the bushes commonly at Fowler’s Rock and Trouble Maker because they are sitting in the shade while collecting boat density data and data for permit compliance. Boat density counts are required by the RMP to ensure there are not too many people using the river at once. Staff counts all boats, their passengers, and their guides, as they pass a given point and records the time of passage. All data is later tallied along with counts used from photographic records.

Throughout the year, and more frequently in the summer months, patrol staff members collect water samples. These samples are collected following a strict protocol and are analyzed by the EDC Public Health Lab. The water is tested for E. coli and fecal coliform bacteria. This testing is to ensure that the river remains safe for human contact.

Another function of the EDC River Patrol is basic facility maintenance. The patrol staff assists the Bureau of Land Management (BLM) River Patrol in the upkeep and cleaning of the three composting toilets along the river. EDC River Patrol coordinates with the BLM to ensure that restroom facilities are functioning, clean, and stocked with toilet paper and woodchips. Patrol staff also stock and maintain various information kiosks at access points along the river with private boat registration tags, waterproof river maps, and large group registration forms.

The EDC River Patrol staff organizes and conducts River clean ups of the South Fork at least twice a year to remove trash and dangerous debris from, in, and along the river. One clean up is usually done on the Chili Bar run and the Gorge run. Occasionally, a sweep is done on the Coloma-Lotus section at “fish flow” to focus on the river bottom in that section. These river clean ups are accomplished with

the participation of local businesses, river industry companies, rafting companies, and conscientious volunteers.

River Patrol staff spend time along the unique quiet zone section of the South Fork to make a concerted effort to ensure that the County quiet zone ordinance is being followed. Violations are reported to the River Recreation Supervisor who has the authority to cite commercial outfitters. Violations by the public can only be cited by an El Dorado Sheriff. Often these incidents are corrected by friendly reminders.

Hopefully, the synopsis above helps paint a picture of the functions performed by the EDC River Patrol and why you see them “hiding” in the bushes. From working with the patrol, I can honestly say that the patrol is out there to protect the South Fork American River as a quality recreation resource and quality experience for all who visit and live by the river. Enjoy the river and be safe!

-Kyle Lloyd, EDC River Patrol



River Patrol Educating Tubers

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

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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 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.

Events in the Coloma - Lotus Valley

- July 23, 2012 – River Clean Up on the upper (Chili Bar)
- August 16, 2012 – River Clean Up on the lower (Gorge)
- August 29, 2012 – Low Water River Clean Up (C-G)
- 2nd Sat of each month @ Marshall Gold Discover State Park – Live History Days – Docents impart knowledge about the days of the Gold Rush.
- ARC Events – Please see Summer Newsletter @ arconservancy.org

River Clean Ups in 2011

The County led three river clean up events on the S. Fork in 2011. One clean up on the upper, one clean up on the lower and one low water river clean up on the State Park to Greenwood Creek section. River clean ups are coordinated by County Parks, CA State Parks, Bureau of Land Management and the American River Conservancy. If you are interested in participating in a river clean up in 2012 or other volunteer projects, please contact the County of El Dorado Environmental Management Department at 530-621-5300 or the American River Conservancy at 530-621-1224. El Dorado County River Patrol and the Environmental Management Department would like to thank the following entities for their contributions to these efforts:

Action WW Adventures
 All Outdoors Inc.
 American River Recreation
 American WW Expeditions
 Beyond Limits Adventures
 Café Mahjaic
 Calvary Chapel, Concord
 Coloma Resort
 Env. Travel. Companions
 Gringos Restaurant
 Kokatat
 Mariah Wilderness Exp.
 Northwest River Supply
 Patagonia
 PG&E
 Project Great Outdoors
 River Runners, Inc.
 Sierra Disposal
 Sierra Rizing Bakery
 The Coloma Club
 The Rafters Tow
 Tributary WW Tours
 W.E.T. River Trips
 Whitewater Voyages, Inc.

Adventure Connections
 American River Conservancy
 American River Resort
 ARTA
 CA State Parks
 California Canoe and Kayak
 Camp Lotus
 DeReimer Kayaking
 Friends of the River
 Inner City Outings
 Marco's Cafe
 Mother Lode River Trips
 O.A.R.S.
 Peak Adventures
 Ponderosa RV Park
 River and Rock Adventures
 River Shack Pub and Deli
 Sierra Nevada House
 SMUD
 The Forest Group
 The River Store
 The River Shuttle
 UCD Outdoor Adv.
 Whitewater Connections

Agency Contact Information

[County of El Dorado, EMD River Management Program](#)

2850 Fairlane Ct., Building "C"
 Placerville, Ca 95667
 530-621-5300

[Bureau of Land Management, Mother Lode Field Office](#)

5152 Hillside 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

[Marshall Gold Discovery State Historic Park](#)

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

Note: You can also find this newsletter on the El Dorado County Rivers web page, www.edcgov.us/Rivers/.

In our efforts to promote efficiency and conservation, future issues of the newsletter will only be posted on the County River Web site. To continue to receive paper copies of this newsletter, please contact the El Dorado County [River Program](#).