

# South Fork Newsletter

County of El Dorado, Chief Administrative Office, Parks Division  
River Management Program January 2017

## S. Fork American River Release Schedule

The Federal Energy Regulatory Commission’s (FERC) license of SMUD’s Upper American River Project and PG&E’s Chili Bar Dam require that recreational flows are provided on the South Fork of the American River. The FERC license designates a “Water Year” type based on snow surveys completed by the CA Dept. of Water Resources. 2016 was initially designated as “Above Normal” however November 1 measurements of water storage show that the actual water year for 2016 is “Below Normal. As a result the release schedule was changed to “Below Normal”. In early February the next B120 report from the Dept. of Water Resources will be released and the water year type will then be reanalyzed and possibly re-designated. For the months of February, March and April the water year type changes based on the monthly snow survey conducted at the beginning of each month. After the last snow survey of the year on May 1, the water year type will be designated for the rest of the year (November). The release schedule for a “Below Normal” water year can be found at the bottom of this page and at the [dreamflows.com](http://dreamflows.com) website.

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## River Management Plan Update

The County of El Dorado has been working on updating the 2001 River Management Plan (RMP) for the last few years. A summary report which outlined specific recommendations for an update to the RMP and a red-lined draft of the RMP was completed by a consultant in the spring of 2016. Public comments and comments from the County River Management Advisory Committee were received in early summer and the County is working on a final draft of the RMP update which is anticipated to go out for approval in January of 2017. The RMP revision will then go to the Planning Commission and the Board of Supervisors for consideration of adoption and at which time the public will have opportunities to provide additional comments. Upon approval, the County will begin the CEQA review process of

the proposed updated RMP. RMP update documents and comments can be viewed at [http://www.edcgov.us/Government/EMD/Rivers/2016\\_RMP\\_Update.aspx](http://www.edcgov.us/Government/EMD/Rivers/2016_RMP_Update.aspx). The final proposed updated RMP will be posted at this location upon completion. To sign up for River Management Plan updates and announcement use the link below: [https://service.govdelivery.com/service/subscribe.html?code=CAELDOR\\_1](https://service.govdelivery.com/service/subscribe.html?code=CAELDOR_1).

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## What can riparian land owners do to prevent the amount of trash getting into waterways?

To help reduce the amount of debris that washes into the river during minor flood events or winter high water, you can do the following:

- 1) Locate the periodic high-water mark (2006 flood elevation) and put a stake (mark) at that location so you or the next tenant knows the flood elevation. If you would like help locating your high water mark, call County River Patrol for assistance at 530-621-6052 or ask your neighbor who lived there in 2006.
- 2) Between the months of November to May, do not leave manufactured items unattended below the high-water mark. Examples of manufactured items include canoes, BBQ’s, lawn furniture, shade tents, picnic tables, platforms, RV’s, trailers, wheelbarrows, etc.

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## Safety and Crime Reporting

When embarking on a day of recreation on the river or hiking on the County trails, please remember to deter break-ins by not leaving valuables in your vehicle.

It is best to recreate with a partner, dress appropriately, have a first-aid kit and rescue gear. Having a plan if something goes wrong can greatly increase your chances of survival or rescue. If you see suspicious activity,



### South Fork American River Below Chili Bar Dam Minimum Recreational Flows - (cfs)

- Water Year Type Below Normal -

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
March -Memorial Day	3 Hrs @ 1300	3 Hrs @ 1300		3 Hrs @ 1300	3 Hrs @ 1300	4 Hrs @ 1750	4 Hrs @ 1750
Memorial Day – Labor Day	3 Hrs @ 1500	6 Hrs @ 1750	6 Hrs @ 1750				
Labor Day - September				3 Hrs @ 1500			
October	3 Hrs @ 1300				3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
November - February						3 Hrs @ 1500	3 Hrs @ 1500

observe a crime or are a victim of a crime, please call the County Sheriff's Dept. at 530-621-6600 or fill out an online crime report at

[www.edcgov.us/Government/Sheriff/Online\\_Services/File\\_an\\_Online\\_Report.aspx](http://www.edcgov.us/Government/Sheriff/Online_Services/File_an_Online_Report.aspx), as well as notifying the appropriate land management agency. Contact information for land management agencies is listed at the end of this newsletter.

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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 standing advisory body which makes recommendations to both the County Planning Commission and the Board of Supervisors on matters related to whitewater recreation 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 on the committee:

- 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 meetings for 2017 are scheduled to meet on the second Monday night of each month. The public is invited to attend and participate at these monthly meetings.

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). Agendas and Minutes can be viewed on the web at <https://eldorado.legistar.com/Calendar.aspx>

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### Stormwater Preparedness

Stormwater runoff from construction activities can have a significant impact on water quality. As stormwater flows over a construction site, it picks up pollutants like sediment, debris, and chemicals. Sedimentation can destroy aquatic habitat and high volumes of runoff can cause stream bank erosion.

Polluted stormwater runoff can also have many adverse effects on plants, fish, animals and people. Sediment can cloud the water and make it difficult or impossible for aquatic plants to grow. Sediment can also destroy aquatic habitats. Excess nutrients can cause algae blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water called eutrophication. Many fish and other aquatic organisms can't exist in water with low dissolved oxygen levels. Bacteria and other pathogens can wash into swimming areas and create health hazards, often making beach closures necessary.

Debris like plastic bags, six-pack rings, bottles, and cigarette butts washed into water bodies can choke, suffocate, or

disable aquatic wildlife like fish, turtles, and birds. Debris can also clog waterways and potentially reach the ocean where they can kill marine wildlife and impact habitat.

Household hazardous wastes like insecticides, pesticides, paint, solvents, used motor oil and other auto fluids can poison aquatic life. Land animals and people can become sick or die from eating diseased fish and shellfish or ingesting polluted water. Polluted stormwater often affects drinking water sources. This, in turn, can affect human health and increase drinking water treatment costs.

If you see any areas of potential erosion, sediment control and/or pollution issues, please call the Storm Water Coordinator at 530-621-7906 or for more information visit the County Storm Water website at:

[www.edcgov.us/Government/EMD/HazardousMaterials/Storm\\_Water\\_Pollution\\_Prevention.aspx](http://www.edcgov.us/Government/EMD/HazardousMaterials/Storm_Water_Pollution_Prevention.aspx)

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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.

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**South Fork American River Clean Ups**

The County has three river clean ups and are coordinated by the County River Program and the American River



Conservancy. If you are interested in participating in a river clean up in 2016, 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 2017 River clean ups will be scheduled in late spring.

El Dorado County River Program would like to thank the following entities for their contributions to these efforts in 2016:

All Outdoors	Env. Traveling Companions
Adventure Connections	Friends of the River
American River Conservancy	Mother Lode River Trips
American River Resort	O.A.R.S.
American Whitewater Exp.	Patagonia
CA State Parks	Placerville Hardware
Café Mahjaic	Sierra Rizing Bakery
Calvary Chapel, Concord	SMUD
Camp Lotus	The Cork and Fork
Chipotle	Tributary Whitewater Tours
Coloma River Shuttle	Warner Paddles
DeReimer Kayaking	W.E.T. River Trips

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**Bridges to Be Retrofitted or Replaced**

The El Dorado County Transportation Division is in the planning phase of two safety improvement projects. The Mount Murphy Rd. Bridge and the Mosquito Rd. Bridge over the South Fork of the American River bridges have both been identified as needing major improvements to them.

The Mosquito Rd. Bridge is to be replaced with a new bridge which will greatly improve emergency and transportation travel time in addition to improving overall transportation travel safety. River access at the old bridge site is planned to continue after the new bridge is built. For details on these and other County bridge projects please visit the County DOT planning website [www.edcgov.us/BridgeProjects](http://www.edcgov.us/BridgeProjects).



**Hwy 49 Bridge looking from upstream**

Cal Trans will begin the replacement of the Hwy 49 Bridge over the S. Fork of the American River in Lotus in the spring of 2017. This project will span approximately two boating seasons and is anticipated to be completed by 2019.

River traffic will be directed through the project by the Caltrans contractor.

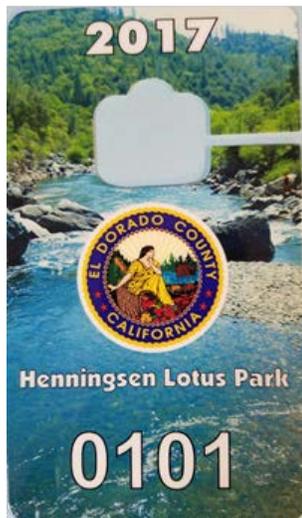
Public river access will be closed along Highway 49 right at the bridge for the duration of the project. Public river access along Highway 49 will be closed upstream of the bridge on river left for the duration of the project but will remain open downstream of the bridge during the first season (year) of the project.

Please visit the Caltrans planning website <http://www.dot.ca.gov/dist3/Projects/> for further information on this project.

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## Henningsen Lotus Park Annual Parking Passes

2017 annual HLP parking passes are in and can be purchased at either the County Parks office in Placerville or at HLP using the iron rangers and a fee envelope form there. When seasonal staff begins working you can also purchase them at the HLP parking booth as well. The price is still \$18.00 (\$1.50 month) and that money goes towards maintaining and improving just HLP. For more information on County Parks or renting a facility please visit our website at



<http://www.edcgov.us/Parks/>.

Thank you for supporting El Dorado County Parks.

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## County Job Opportunities

El Dorado County will be posting jobs for seasonal parks and river program staff. There are also other County jobs regularly posted on the County Human Resources Job Opportunities web site

<https://www.governmentjobs.com/careers/edcgov>.

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**Salmon Falls Bridge looking from upstream**

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## Events in the Coloma - Lotus Valley

- 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.
- American River Conservancy Events. Please see [arconservancy.org](http://arconservancy.org) for events (hikes, wildlife viewing, interpretation programs, etc.)

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### County of El Dorado, River Management Program

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

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### Marshall Gold Discovery State Historic Park

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

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

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

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### Auburn State Recreation Area

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

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### Folsom Lake State Recreation Area

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

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