

ESTUARY

SNAG AT SKAGGS

Skaggs Island, a former Navy base in eastern Sonoma County, recently provoked a tug of war between the U.S. Navy and the U.S. Department of the Interior. The two agencies tried to reach agreement on terms for transferring the 3,300-acre base to the U.S. Fish & Wildlife Service for wetlands restoration—and failed. According to Fish & Wildlife's Dave Paullin, the Department of the Interior thinks the Navy should be liable for any potential post-transfer contaminant cleanup because it is the contamination's source, while the Navy does not want liability for unforeseen problems. With the issue unresolved, the two agencies have walked away from the deal, and the Navy is looking for another entity to take the property.

Skaggs Island is a keystone in North Bay restoration plans. It lies between two publicly owned areas, the San Pablo Bay National Wildlife Refuge and the Napa-Sonoma Marsh Wildlife Area, where restoration projects are already underway. A restored Skaggs Island would greatly enhance those projects and complete a Bay marsh complex of more than 20,000 contiguous acres.

With so much at stake, the failed negotiations rattle environmentalists. "The situation is unconscionable," says the Bay Institute's Marc Holmes, who adds, "The base closed in 1993, so the transfer issues could and should have been resolved years ago." Save the Bay's David Lewis says the problem is that the two agencies see the Skaggs agreement as a precedent for other Department of Defense property transfers. "But Skaggs is the wrong place to set a precedent," he says, "because it's so unlikely that Skaggs has undiscovered contaminants."

At this point, Skaggs' future is uncertain. Navy spokesperson Ohene Gyapong is non-committal: "[The Navy] is continuing discussions with appropriate California state agencies, as well as [with] conservation organizations that may be able to play a role in the restoration and management of the property." Lewis fears that with Fish & Wildlife on the sidelines, and the Navy under pressure to dispose of the property, Skaggs Island could go to an organization that doesn't plan to restore it, and "an opportunity could be lost."

Contact: David Lewis (510)452-9261; Dave Paullin (916)414-6464 **SPW**

Delta Duck and Cover

Subdivisions, subsidence, sea level rise, and super levees are just a few of the "S" words swirling in the minds of politicians and planners with a stake in the Delta. Yet the question of who—or which agency—will take the lead in planning the Delta's future remains unanswered.

Unlike most areas in the state, the Delta has plenty of state agencies with some sort of jurisdiction over it—Cal Fish & Game and the Department of Water Resources for land they own, the Department of Boating and Waterways for recreation, the State Lands Commission for leases, the Reclamation Board for levee and flooding issues, the newly established Bay-Delta Authority for overseeing implementation of the CALFED program, and the Delta Protection Commission for planning guidance. But when controversy arises over land use decisions, "most agencies duck and claim their narrow authority doesn't provide the tools they need to resolve politically complicated problems," says California Bay Delta Authority's Tim Ramirez.

While agencies duck and cover, the state's giant water wheel is groaning under the strain of trying to accommodate more people, move more water, and save more at-risk wildlife species. "The Delta is being asked to do it all," says the Sierra Club's Eric Parfrey, a city planner who lives in Stockton. "We are asking the ecosystem to handle more water transports to Southern California at the same time that local governments are planning to build more than 170,000 housing units in the Delta's second-

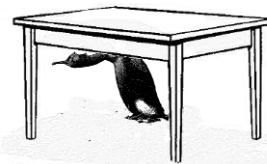
ary zone." (See map, page ____.) Meanwhile, the California Bay Delta Authority is pressing forth with its four-pronged mission for the Delta: to restore the ecosystem, achieve water supply reliability, improve water quality, and stabilize levees.

At some point, say some, those goals will conflict with the pressures of urbanization and development. "It gets damn tough to restore something if it gets turned into houses," says U.C. Davis professor and Reclamation Board member Jeffrey Mount. "There has yet to be a public discussion about it."

The top contender to spearhead that discussion is probably the Delta Protection Commission (DPC). Created in 1992 by then state Sen. Patrick Johnston, the DPC was charged with preparing a regional plan for the "heart" of the Delta that would address such land uses as agriculture, wildlife habitat, and recreation. The DPC was given limited authority over the Delta's primary (inner) zone, but no real "teeth" over the secondary (outer) zone. If a party disputes a development proposed by one of the cities or counties within the primary zone, that party can appeal to the DPC, and the DPC can then ask the city to resubmit its project to comply with DPC guidelines. So far, says DPC's Margit Aramburu, cities have com-

plied with the guidelines. (If they do not cooperate, DPC's only real alternative—which it hasn't yet explored—would be to take them to court.) But the DPC has no real authority—other than advisory—over the secondary zone, where the suburbs continue to spread, namely in San Joaquin and Contra Costa counties (see table, page 4). All the

"Right now, there is not one organization saying 'you be the lead.'"



continued - page 4

BURNING ISSUE

SOD WILTS NURSERIES



For years Sudden Oak Death (SOD) has cast a pall over the Bay's oak woodlands, but it is now raiding pocketbooks as well. This spring, the prospect of its spread forced a 60-day statewide quarantine on all nurseries that ship potential host plants out of California. The result? Millions in lost sales and some political and scientific bickering.

After the pathogen *Phytophthora ramorum*, thought to cause SOD, showed up in March at two large Southern California nurseries that had shipped plants out of state, agriculture officials in states as far as Florida found that they had unwittingly taken the presumed culprit inside their borders.

Given how lethal SOD has been in Northern California, the USDA swiftly broadened a quarantine affecting 12 northern coastal counties to 1,500 nurseries statewide, allocating \$6.9 million to the effort. Nurseries cannot export plants until their stock of 59 potential host species has been inspected, tested, and certified clean.

Despite the USDA's seemingly stringent rules, more than a dozen states continued to impose their own prohibitions on California nursery stock. Florida cut off virtually everything from the Golden State, not just known hosts.

While the nursery industry tried to counter the fears of other states, it also questioned the rationale behind the quarantine, which is that *P. ramorum* is indeed the cause of SOD. It pointed out that a few scientists say *P. Ramorum's* role may be overblown compared to other factors afflicting trees and that the disease already exists elsewhere in the United States and just hasn't been found. The California Department of Food and Agriculture asked the USDA to commission a national survey for the presence of *P. Ramorum*, and in May, the USDA announced that it would provide up to \$8.6 million for that purpose. The California Oak Mortality Task Force's Katie Palmieri says the group is confident of the science behind the quarantine. "There has been a lot of work done with *P. ramorum* proving it is a causal agent," she says.

Contact: Katie Palmieri (510)847-5482

DO

BULLETINBOARD

RATTLEBUSH—A K A SCARLET WISTERIA OR RED SESBANIA—is rattling its invasive sabers as it takes root along rivers and creeks in the Sacramento area. The plant—native to South America—was brought to California as an ornamental. Its bright red, wisteria-like flowers and delicate acacia-like leaves are eye-catching, but the plant is pushing out natives and eroding riverbanks. It also contains saponin, a chemical that is poisonous to wildlife and humans. For more information—or to report sightings of the plant—contact the Sacramento Weed Warriors (916)213-4682 or Cal Fish & Game (209)948-7163.



ALAMEDA IS THE LATEST member of the Northern California Power Agency—a consortium of 15 public agencies deriving a relatively small bit of hydroelectric power from the Trinity River—to drop its lawsuit against the joint federal-tribal Trinity River restoration plan after a public awareness campaign and pressure from the Hoopa and Yurok tribes and environs. The Port of Oakland, Palo Alto, and the Sacramento Metropolitan Utility District had previously withdrawn from the suit. Remaining litigants include Westlands Water District and the cities of Roseville, Santa Clara, and Redding. See Trinity Travails, page 6, and Chaos at the Confluence, ESTUARY, December 2002.

THE PORT OF OAKLAND GOT AN OVERALL GRADE OF B- in Harboring Pollution/The Dirty Truth About U.S. Ports, a report published in March by the Natural Resources Defense Council and the Coalition for Clean Air. The report, which evaluated the 10 largest ports in the United States, ranked Oakland higher than Los Angeles, Long Beach, New York and New Jersey, Charleston, Miami, Hampton Roads (Port of Virginia), Seattle, Savannah, and Houston. Each port was ranked in the areas of air quality, water quality, land use, and community relations. Oakland received sub-grades of B- (air quality), B (water quality), C (land use), and C+ (community relations). NRDC and the Coalition plan to release a follow-up report this summer, with technical recommendations for port operators, regulatory agencies, and community-based environmental and health advocates.

SALTMARSH WARRIOR Barbara Salzman was honored with the 2004 National Wetlands Award for Wetland Community Leader recently in Washington, D.C., for her 20+ years of work advocating for wetlands around the Bay. Salzman has worked with the Marin Audubon Society, the Marin Baylands Advocates, and other environmental groups to raise funding for, sponsor, and build wetland restoration projects. Most recently, Salzman led the charge in preserving the 631-acre Bahia site along the Bay in Marin County, stopping a housing development project by local referendum and raising \$15.8 million to purchase the site. Through her work with the Marin Baylands Advocates, which she founded, Salzman has helped to protect 1,008 acres of baylands and an additional 1,600 acres now owned by the state.

2004 GOVERNOR'S
ENVIRONMENTAL
AND ECONOMIC LEADERSHIP
AWARDS COMPETITION

These awards recognize achievements by individuals, organizations, and businesses related to the conservation of California's precious resources, protection and enhancement of California's environment, and the building of public-private partnerships. Award categories: 1) children's environmental education; 2) watershed and ecosystem restoration; 3) sustainable practices; 4) environmental-economic partnerships; 5) land use; 6) technology innovation; and 7) sustainable facilities.

DUE DATE: MONDAY, AUG. 2, 2004.

www.calepa.ca.gov/Awards/GEELA/

Leslie Ford (916)322-7649

BUREAUCRACY

MUCH ADO ABOUT VOLUNTEERS

A rag tag team of environmental groups won a major victory as ESTUARY went to press, one that could have widespread implications for restoration projects throughout the state. A bill sponsored by Assemblywoman Loni Hancock that refines the definition of a volunteer for purposes of grant-funded restoration projects passed the state Assembly by a resounding 66-0 vote. Hancock's bill, AB 2690, amends the state labor code to include language hashed out by enviros and organized labor in response to what had become a troubling question (see *Use a Volunteer, Go to Jail*, ESTUARY 2004): When is a volunteer a volunteer?

Defining a volunteer was not so easy back in February. The Department of Water Resources (DWR) suspended its Urban Streams Restoration Program after the California Department of Industrial Relations ruled that one grant recipient, the Sacramento Watersheds Action Group, was liable for nearly \$50,000 in back wages to all workers plus penalties on a project that involved restoring a tributary of Sulphur Creek. The group had received a \$273,000 grant from DWR for the project.

At issue in the Department of Industrial Relations and other, similar rulings was the question: when does a grant-funded project become a public works project, in which prevailing wage must be paid? The Department of Industrial Relations applies "public works" broadly to include "construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds." Because DWR and grant money are public, then, by that definition, any project receiving a DWR grant would be considered a public works project, just what happened in the case of Sulphur Creek.

For the sponsors of thousands of environmental restoration and cleanup projects, like the City of Sacramento's "Creek Week," or the Coastal Conservancy's Coastal Cleanup Day, to name just a few, these rulings were a disaster because they enacted a de facto ban on volunteer labor. Projects like Sulphur Creek rely on a combination of paid contractor and volunteer work to help stretch nonprofit grant dollars further.

With millions of dollars in grant and bond funds for restoration and cleanup projects thus in limbo, environmental groups looked for solutions, and Hancock began working on her bill. Talks between environmental groups

and Department of Industrial Relations were swift and fruitful. The parties proposed a revision to Labor Code Section 1720.4 to define a volunteer as: "An individual who performs work for civic, charitable, or humanitarian reasons for a public agency or corporation under section 501(c)(3) of the Internal Revenue Code, without promise, expectation, or receipt of any compensation for work performed."

Further, the draft says, "Individuals shall be considered volunteers only where their services are offered freely and without pressure and coercion, direct or implied, from an employer." The proposed change in the Labor Code applies retroactively to all projects started, underway, or, like Sulphur Creek, completed after Jan. 2, 2002.

Environmental groups made several concessions, says environmental policy consultant Vern Goehring, including dropping language that addressed the work of student and intern programs. This was an issue in the Sulphur Creek case because some volunteers were students in Shasta College's Heavy Equipment and Watershed Restoration programs and were receiving course credit for their work.

"We think [all instances of environmental volunteer work] are adequately provided for in the remaining language," says Goehring.

Labor groups expressed concern over these finer definitions of volunteers, fearing they would provide potential loopholes for questionable programs that offer vocational training through apprentice positions and other means. Likewise, they were concerned that language regarding employer-sponsored volunteer work could induce contractors to force their employees to work for free.

"Our main concern is that the definition of volunteer is not in any form manipulated—it's an issue for all working people," says Jose Mejia of the California State Council of Laborers, a group that has yet to sign on to the draft language.

The changes are workable but not perfect, notes Stefan Lorenzato of the Urban Streams Program. "I doubt the language that emerges will settle all of these areas, but at the moment, most of the issue seems covered," says Lorenzato. The state Senate will next take up the bill.

Contact: Stephan Lorenzato (916)651-9617; Vern Goehring (916)444-8194; Jose Mejia (916)447-7018 **KC**



HANDSON

MARSH MAKEOVER

Beside the Bay Trail in Richmond's Stege Marsh—a tidal marsh located between Point Isabel and the Richmond Marina near the U.C. Berkeley Field Station—lies a small pond the color of murky orange Kool-Aid. In 1998, the S.F. Regional Board declared 20+ acres of the marsh—including the pond—one of the Bay Area's 10 high-priority toxic hot spots. In 2001, the area's two property owners, U.C. Berkeley and Zeneca Corporation, which years ago bought adjoining parcels from the companies that dumped the toxic chemicals, received orders from the Board to not only clean up the marsh, but also to restore it to a healthy home for the endangered clapper rail, which lurks nearby.

Mercury, which washed in from hydraulic gold mining during the 1850s, was the first pollutant to find its way into Stege Marsh, named for Richard Stege, a failed goldminer who owned land in the area. Then, around the turn of the 20th century, the California Cap Company began to dump more mercury into the marsh, and later, Stauffer Chemical Company added pyrite cinders to the mix. But during the past two years, a lot has changed: Zeneca neutralized and capped contaminants in its parcel's upland areas, and is planning to remediate the orange pond—full of sulfuric acid from the pyrite cinders—soon. Working around the clapper rail breeding season, U.C. Berkeley dug up five acres of contaminated mud and replaced it with 50,000 cubic yards of clean Bay mud.

Now on U.C.'s land, cordgrass and other native marsh vegetation (harvested from seed from nearby marshes) is being planted by the Watershed Project (formerly the Aquatic Outreach Institute) and U.C. students, with community groups and schools pitching in. The Watershed Project's Sharon Farrell says, "The project provides some exceptional opportunities—for a partnership between U.C. and the community, for community stewardship, and for long-term study and restoration of a marsh, from the uplands all the way down to the Bay front."

Contact: The Watershed Project (510)231-5783 **SPW**



BIRDWATCH



SINGING MEADOWS

On the eastern edge of the Sierra, biologist Jim Steele deftly extricates a yellow warbler, a third of an ounce of yellow fluff, from a mist net. The bird's presence is a sign that a badly degraded ecosystem is coming back to life.

Carman Creek, near Calpine, drains into the Sierra Valley marshes that feed the Feather River. It once nourished a wet meadow where willows sheltered high-country songbirds. But railroad building at the turn of the 20th century started a process of stream channelization. The ditch left by the work crews captured the stream, drained the water table, and upset the annual hydrologic cycle. Check dams provided only temporary fixes. The meadow dried out too soon in the summer, the willows began to die, and the birds went elsewhere.

An attempt to restore the stream's historic channel using the plug-and-pond technique pioneered elsewhere in the Sierra (see ESTUARY, August 2002) began two years ago, funded by the U.S. EPA and the State Water Resources Control Board. S.F. State University's Sierra Nevada Field Campus, the U.S. Forest Service, the Plumas Corporation, and the Sierra Valley Resource Conservation District are partners in the project.

Steele, who runs the field campus, has seen dramatic results within the project's short life. Canada geese, wood ducks, and other water-loving birds have moved into the newly created ponds. More yellow and McGillivray's warblers are spending the summer at the site, staying through August to fuel up for their fall migration. Warbler numbers rose at Carman Creek after restoration began, although other (non-restored) sites monitored by SFSU saw declines. Song sparrows show a similar trend. Steele hopes endangered willow flycatchers will nest in the meadow, once the ponds attract the midges they favor.

Says Steele, "You can't manage for wildlife until you get the hydrology into place. Increase the lifeblood, the vegetation, the insects, the birds, and it all snowballs. Seeing it all come back within two years is pretty exciting."

Contact: Jim Steele (530)862-1230 JE

DUCK, CONTINUED

DPC can do is offer its opinion on any action or project in the secondary zone—or surrounding lands—that affects the primary zone, leading some to call the agency a "toothless tiger."

One controversial project proposed for the secondary zone, in the city of Lathrop, is "River Islands," previously known as "Gold Rush City II" and "Califia," an 11,000-home subdivision/mixed-use development. While critics worry about the project's contribution to suburban sprawl, another issue is the 300'-wide "super-sized" levees that will be built to protect its homes from the theoretical 200-year flood. The project's developers are awaiting a permit from the Army Corps and the Reclamation Board. "No one really knows if the levees will work because we've never built anything like them," says Mount. He adds that while they may offer short-term protection, long-term protection is another question.

The Reclamation Board, says Mount, is trying to plan for flood management on a regional basis, trying to ensure that developing one area doesn't cause problems in another. The Board must approve any new developments in either the primary or the secondary zone that directly impact federal levees; recent lawsuits have determined that it is responsible if a federal levee fails below its designed level of protec-

tion. So the practice of building on flood-prone land—super levees aside—could come under stronger scrutiny. But the Board's general manager Pete Rabbon says his agency is not seeking a larger role in regulating the Delta. "What we are trying to do is encourage a unified or coordinated approach for the whole Delta. We are concerned about people building homes behind a new levee thinking they'll be protected forever."

Rabbon understands the fears of planners in cities like Tracy, which lies entirely in the secondary zone. As Tracy's Nick Pinhey puts it, "We are very concerned about having another land use authority over us when we already go through CEQA, the general plan process, getting stormwater and wastewater permits—we already do all of these things to protect the Delta. Another layer of government seems a little extreme." Says Rabbon, "I don't want to create more bureaucracy." But, he adds, the question of who will take a hard look at the Delta as a whole remains. "Nobody's stepping up to the plate and saying, 'that's me.' I think the Reclamation Board has a role, the DPC has a role, and the Bay-Delta Authority has a role. But right now, there is not one single identifiable organization saying 'you be the lead.' We're trying to say that there's this big picture, and from a flood-protection perspective, we're ready to take on our mission, but we need some support."

RESIDENTIAL GROWTH IN THE SOUTH DELTA

SAN JOAQUIN COUNTY

(homes under construction or planned)

TRACY

28,000 in Tracy
16,000 in Mountain House

LATHROP

20,000

MANTECA

14,000

WEST STOCKTON

Approximately 30,000+

SAN JOAQUIN TOTAL: 94,000 homes in southern San Joaquin County within Secondary Zone of the Delta (excluding Manteca) - enough housing for almost 300,000 people)

CONTRA COSTA COUNTY

Urban limit line approved in County General Plan. LAFCO decisions on City annexations respect the line currently.

Discovery Bay expansion- 2,000 homes (inside Secondary Zone)

BRENTWOOD

One of the top 10 fastest growing cities in California (approx. 1,500+ homes per year). New General Plan update under consideration. (inside Secondary Zone)

OAKLEY

City preparing first general plan (inside Secondary Zone)

ANTIOCH

New General Plan update under consideration. Continued growth in Future Urbanization Areas (FUA) #1 and #2 and Deer Valley. (outside Secondary Zone?)

PITTSBURG

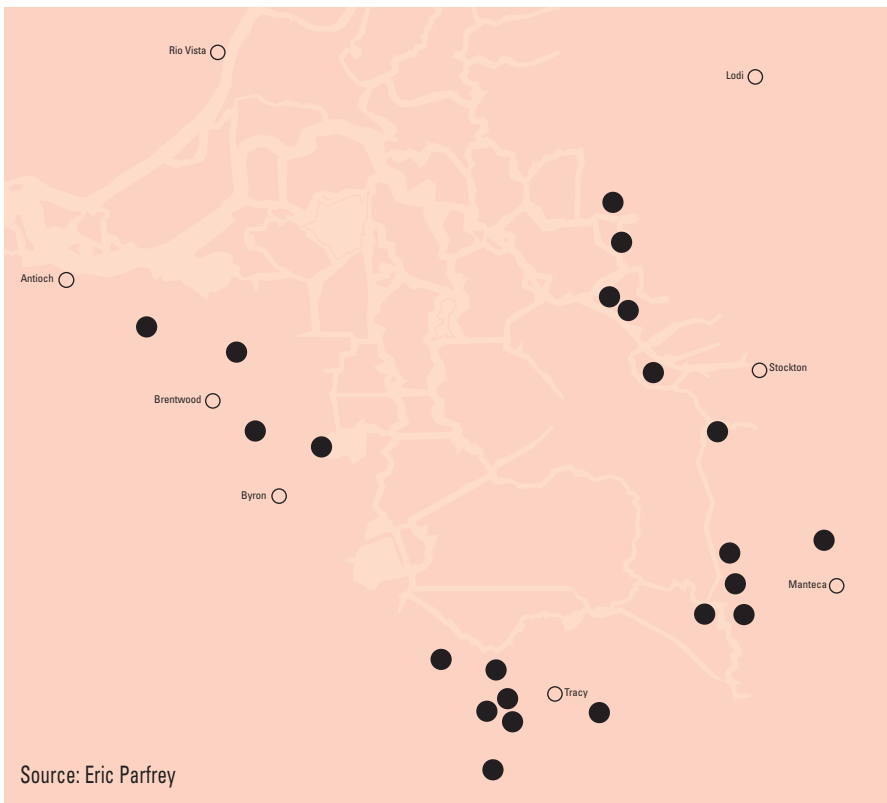
New General Plan update adopted. New growth areas in hills? (outside Secondary Zone?)

EAST CONTRA COSTA GRAND TOTAL: 75,000 (+/-) homes under construction or planned

TOTAL SECONDARY ZONE OF THE DELTA : 170,000 units (population of about 500,000 new residents)

Source: Eric Parfrey

DEVELOPMENTS PROPOSED IN THE DELTA'S SECONDARY ZONE



Assemblywoman Lois Wolk (D-Davis) thinks support should come from a stronger DPC. Wolk argues that the DPC is the right agency to look at the bigger picture of the Delta and that it needs to live up to its name. "It's not the Delta Appreciation Commission or the Delta Development Commission. Toothless tigers are not going to protect the Delta," she says, adding that when the DPC was formed over a decade ago, things were different. "The encroachment of urban development is a major issue now," she says. "You've got water quality issues, erosion, levee issues—all of that is more serious now."

Her proposed bill, AB 2476, would give the DPC what she calls "baby teeth." In its original form, the bill struck a nerve, particularly with small cities in the secondary zone, because it would have given the agency greater authority over the secondary zone and required Delta cities to help fund the DPC (to date, the DPC has been funded solely by the state) and to mitigate for new development. But cities like Tracy and Lathrop argued that the deal made when the DPC was formed was a deal, and that they shouldn't be further constrained, let alone made to chip in financially. Wolk's amended bill is toned down quite a bit: it simply gives the DPC the lead role in a stakeholder process that will examine the problems in the secondary zone. It also pro-

poses adding new members to the DPC, including three public members with expertise specific areas: wildlife conservation, environmental protection, and marina operations. Other new members would include the regional rep for the Bay-Delta Authority and the Office of Historic Preservation.

The Farm Bureau, which says the DPC is just fine in its current form, opposed Wolk's initial bill, citing its concerns over the addition of new members, particularly enviros, fearing that such members might attempt to use existing regs such as the Endangered Species Act to restrict private property rights. Christopher Cabaldon, Mayor of West Sacramento (a city in the secondary zone) and a DPC board member, says that while most Delta farmers are very opposed to urban encroachment—and are not engaged in land speculation—they worry about losing control to "powerful external interests that don't respect the Delta for what it is. There's a feeling that Southern California sees the Delta as one large system of pipes and that the Bay Area sees it as habitat. Both kind of miss the fact that there are people that live and make their communities there."

To date, particularly because the primary zone has been protected, the DPC has been

ENVIROCLIP

RED-LEGGED RESUSCITATION?

Mark Twain's "celebrated jumping frog of Calaveras County" is better described nowadays as the disappearing frog of Calaveras County. The California red-legged frog has become so rare that it was only recently rediscovered there and remains a federal threatened species.

This spring, under a court agreement, the U.S. Fish & Wildlife Service reluctantly renewed a proposal to declare 4.1 million acres across the state—including many swatches of the Bay Area—as critical habitat for the frog. The proposal is similar to one put forward by Fish & Wildlife in 2001 that became swamped by legal wrangling between home builders and environmental groups; the parties eventually reached an agreement that it be resubmitted this year. Yet Fish & Wildlife contends that the habitat designation will not help the frog as much as other uses of its the agency's scarce resources.

That's just the Bush Administration's anti-wildlife ideology, says the Center for Biological Diversity's Peter Galvin. Designating critical habitat is essential to the species' survival, he says, because it focuses planning officials on the need to preserve its habitat. "It isn't a paperwork exercise," Galvin says. "Real decisions are made about how many acres will be destroyed or set aside."

Home builders, meanwhile, argue that so much land is already under federal or state control that the government doesn't need to extend protection to the frog on private land. "They may be overreaching," says Guy Bjerke, of the Home Builders Association of Northern California. More than two-thirds of the proposed habitat is in private hands.

Habitat loss, pesticides, and predators all plague the frog, the largest native to the western United States. Once spotted in as many as 46 counties, the frog is now found in only 31.

Environmentalists hope to restore another 900,000 acres cut from the original 2000 proposal, but they may have to fight just to keep the current 4.1 million. "We'll be watching the situation," says Galvin. "If the end result is something less than the frog can live on, then we'll have to go back to federal court."

Contact: CBD (510)663-0616

DO

continued - back page

WATERWARS

TRINITY TRAVAILS

As ESTUARY went to press, aides to U.S. Sen. Dianne Feinstein were flying west to continue talks between the Hoopa Valley Tribe and Westlands Water District over the CALFED Record of Decision flows for the Trinity River authorized by the Clinton Administration in 2000. That decision called for annual releases in the range of 340,000 to 815,000 acre-feet of water—depending on yearly runoff—as part of a program to restore fisheries to the main stem of the Trinity. Westlands and power generators filed suit in 2001 to stop the ROD's implementation, and a Hoopa appeal was struck down by U.S. District Court Judge Oliver Wanger in 2003. But the Hoopa appealed to the 9th Circuit Court, and a decision is expected this summer.

The Wanger decision criticized the adequacy of the ROD's environmental impact reviews, particularly those concerning the effects of reduced flows on the Delta. Since the 1960s, when the federal government built dams on the Trinity, 90% of the river's flows have been diverted to the Central Valley Project. Judge Wanger capped annual releases from Lewiston Dam down the Trinity at 369,000 to 452,000 acre-feet—a maximum release that is only about half of what is called for in the 2000 ROD.

As they await the 9th Circuit's decision, the Hoopa have moved to answer Judge Wanger's critiques. With federal and state fish and wildlife agencies and local officials, they have completed drafts of supplemental environmental reviews and a supplemental ROD for public comment. Final versions aren't due out until late this year; nonetheless, the 20 years of science in the ROD still stand, says Tom Stokely of the Trinity County

Planning Department. "The preferred alternative is still the 2000 ROD," says Stokely, who worked on the supplemental reports.

Westlands and the power generators contend that reduced diversions from the Trinity would cut the CVP's power-generating capacity. Westlands also claims that the reduced diversions would adversely affect water quality and listed species in the Delta, most notably coho salmon.

Stokely disagrees. "If we were really doing what's best for coho, we'd put even more water down the Trinity in winter [2,000 cfs instead of the 300 cfs that does flow]. That would be more of a hit to Westlands."

Diversions from the Trinity have decimated fish populations. A November study by the National Academy of Sciences found that increased summer flows in the Trinity could have prevented the massive fish kills on the Klamath River, into which the Trinity flows, in 2002. Trinity fisheries suffered as well. The 2002 spring run of chinook—a fish of dietary, cultural, and economic significance to the Hoopa—was estimated at 35,000. Fall runs of the chinook normally outnumber spring runs by about 2 to 1. Based on the 2002 spring run, officials expected some 70,000 fall-run chinook, but only 18,000 chinook returned.

But judging from the latest events, including the National Academy of Sciences reinforcement of the science behind the 2000 ROD, momentum appears to be with the Hoopa—and the chinook. Several members of the power consortium behind the lawsuit, including the Sacramento Municipal Utilities District, City of Palo Alto, Port of Oakland, and City of Alameda, recently withdrew from the litigation. On April 23, at the Hoopa's request, the 9th Circuit of Appeals ordered BurRec to more than double the releases from the Lewiston Dam through the end of May. Meanwhile, the Hoopa rejected settlement offers from Westlands and the federal government. BurRec's Jeffrey McCracken claims, "The settlement was designed to get this out of court and water down the river."

There still may be an out-of-court decision. In April, Feinstein invited the Hoopa to begin settlement talks. "We've been trying to work with the senator's office for some time to settle the issues on the Trinity," says Mike Orcutt of the Hoopa Valley Tribe.

Contact: Mike Orcutt (530)625-4267, ext. 13; Tom Stokely (530)628-5949 **KC**

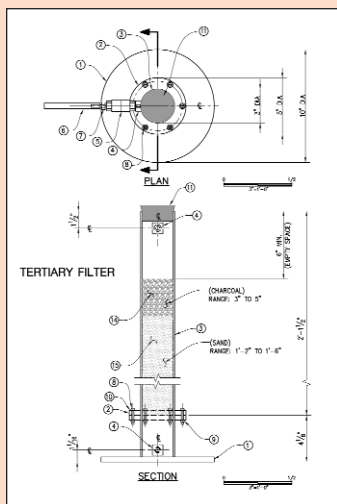
NEXT GENERATION

GOT WASTEWATER?

High school students around the Bay are showing up for science class wearing nose clips. They are prepared for a pungent lab assignment: make household wastewater out of toilet paper, dog food, coffee grounds, dishwashing detergent, and ammonia (to simulate urine). Dan Mussell, a senior at Walnut Creek's Northgate High School whose zoology class completed the wastewater lab last fall says, "My class competed to see who could make the grungiest brew. It was kind of disgusting."

Wastewater making takes place during an innovative weeklong sewer science lab for high school students sponsored by Bay Area wastewater agencies. The curriculum is provided for free, along with lab workbooks, equipment, and an in-class facilitator. Says Northgate zoology teacher Jim Wright, "The students learn that wastewater doesn't just disappear after they flush the toilet. It goes through exhaustive treatment similar to what they do in the lab and then gets sent back into the environment."

To simulate the treatment process, students pour their very real-looking concoctions through a series of Plexiglas tanks, a different one each day: a primary sedimentation tank for settling out solids; an aeration tank with activated sludge containing pollutant-eating



bacteria; a secondary sediment tank in which alum helps remove smaller solids; and a column filled with coal and sand for finer filtration. After each treatment, the students test for U.S. EPA effluent parameters—pH, ammonia, turbidity, and chemical oxygen demand—and note the treatment's effects.

Throughout the week, the students see the quality of the water improve, and depending on the wastewater recipe used, end up producing water that could

be sent to the Bay or used to irrigate golf courses and parks.

"The lab is a win-win-win situation," says Central Contra Costa Sanitary District's Chris Carpenter, who guides classes through the program. "Teachers meet science curriculum standards, students hear about careers in wastewater treatment, and sanitary districts get their messages out, like how important it is to clean wastewater and why not to put harsh cleaners, medicine, paint, or oil down the drain."

Contact: Chris Carpenter (925)229-7316 ccarp@centralsan.dst.ca.us; Jim Wright wrightmounts@earthlink.net **SPW**

PLACES TO GO & THINGS TO DO



WORKSHOPS & SEMINARS

JUNE
FRI & SAT
11
12

PROTECTING CALIFORNIA'S DRINKING WATER AT THE SOURCE

TOPICS: Lessons learned from more than 16,000 source water assessments and strategies to protect the forested, agricultural, industrial, and urban landscapes that affect water quality.

LOCATION: Oakland

SPONSORS: California Clean Water Action, Clean Water Fund, Campaign for Safe and Affordable Drinking Water & Clean Water Network

www.protectsourcewater.org/ca.html

JUNE
SAT
26

CCEJN 3RD ANNUAL CONFERENCE

TOPICS: Environmental justice seminars on pesticides and air quality, water, prisons and immigration, the growing number of industries using incineration, and a youth workshop.

LOCATION: Bakersfield College

SPONSOR: Central California Environmental Justice Network
Joe Morales (661)720-9140
jcrpe@sbcglobal.net

JUNE
MANY DAYS
11
THRU
JULY
14

WATERSHED 2004 CONFERENCE

TOPIC: Integrated resource management and environmental protection principles using watershed-based approaches.

LOCATION: Dearborn, Mich.

SPONSORS: Water Environment Federation in cooperation with Michigan Water Environment Association, U.S. EPA, Army Corps, NOAA, Michigan Department of Environmental Quality & Great Lakes Commission

www.wef.org/conferences/watershed04.jhtml

JULY
TUES & WEDS
13
14

RIVERS, ROCKS & RESTORATION

TOPICS: Approaches to gravel augmentation, managing gravel to restore riverine functions, the state of the science, and the critical unknowns that need to be addressed to meet tributary and basin-wide objectives.

LOCATION: Sacramento

SPONSORS: CALFED Science & Ecosystem Restoration Programs
Jill Marshall (510)387-7130;
jillm@calwater.ca.gov;
http://science.calwater.ca.gov/workshop/future_workshops.shtml

AUG
MON - FRI
2
THRU
6

WATERSHED TEACHING TOOLS: SUMMER INSTITUTE FOR EAST BAY EDUCATORS

TOPICS: Activities from The Watershed Project's (formerly Aquatic Outreach Institute) Kids in Gardens, Kids in Creeks, and Healthy Schools Inside and Out programs; Kids for the Bay's environmental justice program, Community Resources for Science's curriculum development strategies, Save the Bay's wetland studies, plus canoe trip on the Bay.

LOCATION: U.C. Field Station, Richmond

SPONSORS: The Watershed Project, Kids for the Bay, Community Resources for Science, Save the Bay

Workshops@thewatershedproject.org

AUG
SUN - THURS
22
THRU
26

AMERICAN FISHERIES SOCIETY 134th ANNUAL MEETING

TOPICS: Aldo Leopold's legacy for fisheries—past, present, and future.

LOCATION: Madison, Wis.

SPONSOR: American Fisheries Society
Beth Beard (301)897-8616, ext. 220;
bbeard@fisheries.org
www.afs2004madison.org



HANDS ON

JUNE
MONDAYS
7
JULY
5
AUG
9

CLOSE TO HOME TALKS

TOPICS: The Bay's history and future, birding, native vs. non-native plants, and other topics explored on Saturday hikes.

LOCATION: Oakland

SPONSOR: Close to Home
www.close-to-home.org

JUNE
SAT
12

TUOLUMNE 20TH ANNIVERSARY CELEBRATION

TOPIC: In 1984, 83 miles of the Tuolumne River were added to the National Wild and Scenic Rivers System. Mark this milestone with dinner, live music, and special presentations.

LOCATION: Sonora

SPONSOR: Tuolumne River Preservation Trust
Marty McDonnell (209)532-6113
www.tuolumne.org

JUNE
SAT AND A SUN
12
JULY
10
AUG
15

CLOSE TO HOME FIELD TRIPS

TOPICS: Local geology, native plants and wildlife, watershed dynamics, creeks, and the history of early native peoples explored on hikes.

LOCATIONS: Sunol Regional Wilderness (June 12), Crab Cove & the Elsie Roemer Bird Sanctuary (July 10), Knoll Farms (August 15)

SPONSOR: Close to Home

<http://www.close-to-home.org>

NOW IN PRINT & ONLINE

Annual Water Quality Report. East Bay Municipal Utility District. April 2004.

www.ebmud.com/water_&_environment/water_quality/annual_report/default.htm

*Biology and Population Dynamics of Sacramento Splittail (*Pogonichthys macrolepidotus*) in the San Francisco Estuary: A Review. Peter B. Moyle, Randall D. Baxter, Ted Sommer, Ted C. Foin, and Scott A. Matern. San Francisco Estuary and Watershed Science. Vol. 2, Issue 2 (May 2004), Article 3.*

<http://repositories.cdlib.org/jmie/sfews/vol2/iss2/art3>

Irrigated Agricultural Water Quality Grant Program Guidelines for Propositions 40 and 50 Grants (DRAFT). State Water Resources Control Board. August 2004.

www.swrcb.ca.gov/funding/awqgp/index.html

Open Water Processes of the San Francisco Estuary: From Physical Forcing to Biological Responses. Wim Kimmerer. San Francisco Estuary and Watershed Science. Vol. 2, Issue 1 (February 2004), Article 1.

<http://repositories.cdlib.org/jmie/sfews/vol2/iss1/art1>

Plants and Landscapes for Summer-Dry Climates of the San Francisco Bay Region. East Bay Municipal Utility District. Spring 2004.

www.ebmud.com/conserving_&_recycling/plant_book/default.htm

Shifting Shoals and Shattered Rocks: How Man Has Transformed the Floor of West-Central San Francisco Bay. U.S. Geological Survey. Spring 2004.

Spatial and Temporal Variability of Suspended-Sediment Concentrations in a Shallow Estuarine Environment. Catherine A. Ruhl and David H. Schoellhamer. San Francisco Estuary and Watershed Science. Vol. 2, Issue 2 (May 2004), Article 1.

<http://repositories.cdlib.org/jmie/sfews/vol2/iss2/art1>

State Water Project Site. California Department of Water Resources. Spring 2004.

<http://www.wowe.water.ca.gov/swp/>

Trends in the Sediment Yield of the Sacramento River, California, 1957-2001. Scott A. Wright and David H. Schoellhamer. San Francisco Estuary and Watershed Science. Vol. 2, Issue 2 (May 2004), Article 2.

<http://repositories.cdlib.org/jmie/sfews/vol2/iss2/art2>

Water Quality in the Nation's Streams and Aquifers—Overview of Selected Findings, 1991-2001 (series of reports). U.S. Geological Survey. Spring 2004.

<http://pubs.water.usgs.gov/nawqasum/>

EDITOR'S NOTE:

SLEWS for Sloughs (April 2004) should have mentioned that SLEWS is a program of the Center for Land-Based Learning in Winters funded by a CALFED Ecosystem Restoration Program grant.

DUCK, CONTINUED

more engaged with CALFED issues than land use, says Cabaldon, worrying about water diversions and transfers and ecosystem restoration. Only recently has the onslaught of sprawl in the secondary zone made the DPC sit up and realize they need to start testing the "tools" in their box and using the powers they have. That said, Cabaldon supports the idea of strengthening the agency. "Even within the Delta, there is a commitment to environmental values that is not institutionally reflected within the Commission," he says. "Making seats at the table for environmental interests is essential to making the Commission effective in achieving its full mission."

Yet even with a stronger DPC—or another agency stepping up to the plate—the nagging question remains. Is this former backwater maze of fresh and brackish wetlands—with its present-day diked farmlands, ambitious restoration plans, ship travel, and complicated water supply system—the right place for subdivisions and super-sized levees? Probably not, says

Mount. "We've taken what was historically a very dynamic system, an ever-changing landscape, and tried to make it stand still. We're saying, 'don't move! Because if you do, it will really mess things up.'"

While Mount could not comment directly on the River Islands project due to his seat on the Reclamation Board—and stresses that he has not made up his mind about River Islands—he says that in making decisions about the Delta, several overriding phenomena should be considered. The first is that much of the Delta has subsided to as much as 20 feet below sea level. "Every bit of subsidence leads to an increase in levee instability," says Mount. "The more the islands subside, the more the levees are likely to fail." In his opinion, the highest and best use of those lands, then, is farms, which can, unlike subdivisions, tolerate the inevitable floods. We also need to worry about climate change and sea level rise, he points out. "It's happening, albeit slowly. But we're looking at rises of several feet in a couple of generations. The problem is that it exceeds the normal human life cycle, so people don't want to deal with it." And cli-

mate change may also mean higher winter flood flows associated with increased rainfall and less snowfall in the Sierra, warns Mount. "Delta levees fail during periods of high runoff. Add increases in flood stage to increases in sea level to increases in subsidence and you have an increased risk of failure. Then comes an earthquake." Several major, active faults run along the western edge of the Delta.

"No one has thought through the 'what if' questions," he says. "You've got landscape-level threats to the Delta that operate on large space-in-time scales. Those tend to fall out of the sphere of influence of the typical political lifecycle."

Contact: Margit Aramburu (916)776-2290; Jeffrey Mount mount@geology.ucdavis.edu; Lois Wolk (916)319-2008; Pete Rabbon (916)574-0609 **LOV**

Editor's note: AB 2476 passed through the state assembly on May 28, with a 48-32 vote.

YOUR INDEPENDENT SOURCE FOR BAY — DELTA NEWS & VIEWS



JUNE 2004

VOLUME 13, NO. 3

Editorial Office: PO Box 791
Oakland, CA 94604
(510)622-2412
Lowensvi@earthlink.net

Estuary Web site at www.estuarynewsletter.com

Subscription Q&A: (510)622-2321

STAFF

Managing Editor: Lisa Owens Viani
Senior Editor: Kristi Coale
Graphic Design: www.dcampeau.com
Contributing Writers: Joe Eaton
David Orenstein
Susan Williams

ESTUARY is a bimonthly publication dedicated to providing an independent news source on Bay-Delta water issues, estuarine restoration efforts and implementation of the S.F. Estuary Project's *Comprehensive Conservation and Management Plan* (CCMP). It seeks to represent the many voices and viewpoints that contributed to the CCMP's development. ESTUARY is funded by individual and organizational subscriptions and by grants from diverse state and federal government agencies and local interest groups. Administrative services are provided by the S.F. Estuary Project and Friends of the S.F. Estuary, a nonprofit corporation. Views expressed may not necessarily reflect those of staff, advisors or committee members.

CHANGE SERVICE REQUESTED

PRESORTED
FIRST CLASS MAIL
U.S. Postage
PAID
Oakland, CA Permit
No. 832