Your Independent Source for Bay-Delta News & Views

ESTUARY

FILLING A HALF ACRE OF WETLANDS or more will soon require an individual permit on the part of developers, according to new rules to be announced by the Army Corps this June. The new rules, spurred by an environmental lawsuit, end developers' use of a streamlined "nationwide permit" process for most construction projects affecting small acreages of wetlands. (New York Times, 3/4/00)

FISH FRIENDLY FARMING certification for Sonoma vineyards is now being extended to fruit growers. The certification program--originally developed for Russian River area wineries--has a list of beneficial management practices ranging from erosion control to creek restoration that farmers must use to get a "green" label for their wine. (Headwaters, Winter 2000)

MOLECULAR DETECTIVE WORK recently identified the reason for the sudden death of over 400 California sea lions in May 1998--countless others suffered severe brain disorders. The culprit turned out not to be a deadly disease but a powerful nerve poison produced by a sudden bloom of algae, and possibly associated with the warm waters of El Nino. (S.F. Chronicle, 1/6/00)

SPRAYING THE WATER HYACINTH clogging Delta waterways was temporarily halted this March when DeltaKeeper sued the state Department of Boating and Waterways, saying they needed a permit and a hearing to continue their 16-year-old war against this South American plant. DeltaKeeper did not demand that they stop spraying but wants to see them revisit the information the state used to chose chemical over mechanical and other controls. The state has since applied for a permit from the local regional water quality board. (S.F. Chronicle, 2/18/00)

A HIGH SPEED OIL SPILL BAND-AID BOAT is nearing completion in Louisiana that can patch a rent in a leaky tanker up to nine square feet in size. This "Magna Patch" technology employs a boom crane and water jets guided by sonar and cameras to place a magnetic neoprene patch on the side of the tanker. Promoters say 60% of all leaks are smaller than two square feet. (Marine Digest, 3/00)

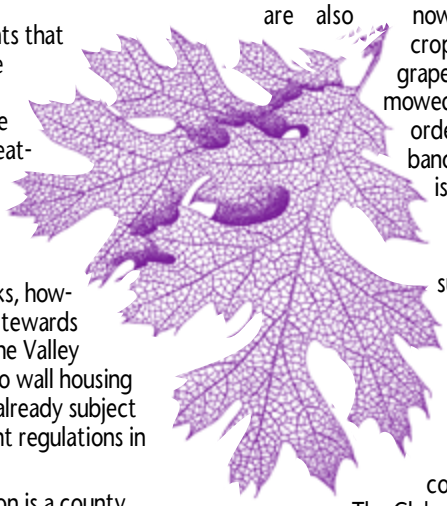
ESTUARY ARRIVED IN THE BIG LEAGUES this spring when it was chosen as a finalist in the Western Publications Association's "Maggy Awards." Other finalists in the social and political publications category included two long-established, full-blown color magazines: Sierra and Mother Jones (which later won the prize). ESTUARY is tickled pink to have been placed in such illustrious company! Thank you to all our writers, subscribers, printers and supporters, especially the U.S. Environmental Protection Agency and the U.S. Fish & Wildlife Service.

CORRECTION: This newsletter's February 2000 article on the STRAW project failed to mention one of its key participants: the Marin County Stormwater Pollution Prevention Program.

Vintage Turf Wars

Wine isn't the only thing that's fermenting in the Napa Valley these days. A dispute has been fizzing between vintners and environmentalists over the county's erosion control regulations, and things are coming to a head as a Sierra Club lawsuit gets set to go to court in mid-April. Unless the suit is resolved at this time, the trial is slated to begin in June. Either way, the outcome, and the battle leading up to it, will have a ripple effect on other jurisdictions that are considering enacting their own erosion controls.

That's one of the few points that the two camps agree on. The enviros paint a picture of a bucolic landscape under siege by an army of bulldozers threatening to destroy every tree, stream, and animal in sight, so that thousands of new merlot and chardonnay vines can be planted. The wine folks, however, portray themselves as stewards of the land, who have kept the Valley from being overrun by wall to wall housing developments, and who are already subject to some of the most stringent regulations in the state.



The main existing regulation is a county ordinance enacted in 1991. It regulates new vineyards, replantings, and other types of development on hillsides. The grower or developer works with the Resource Conservation District to come up with a plan to reduce the amount of soil washing into nearby streams or creeks. Projects on land with a slope of between 5-30% are given approval at the staff level. Those wanting to exceed the 30% slope limits, or other regulatory thresholds, are required to go to the planning commission — and to get a full CEQA review, including public hearings. Either side can appeal a planning commission decision to the county board of supervisors. County officials estimate that the law covers some 7,000 previously unregulated acres. Since the ordinance went into effect, about 400-500 erosion control plans have been approved, with only a handful of these going through CEQA.

The law increased the amount of work that it takes to put in a vineyard. A grower may have to install a number of structural elements. "I've just gone through the process," says vintner Robert Craig. He says he had to put in a system of underground pipes and surface ditches, as well as a catch basin designed to slow runoff velocity and improve water quality. Craig estimates that the erosion control elements added $80,000 to the cost of developing his ten acre patch of land.

According to Phill Blake of the Resource Conservation District, most new vineyards are also now required to put a cover crop between the rows of grapevines. The cover crop is mowed, not plowed under, in order to reduce soil disturbance. This non tillage system is "a major cultural shift," says Blake.

But the Sierra Club lawsuit claims that Napa isn't doing enough. It alleges that the county is "unlawfully evading" CEQA review, and asks the judge to block the approval of any more permits until the county changes its policy. The Club argues that the requirements of the ordinance can actually result in faster runoff, which increases peak flow of streams and potential erosion problems, and does little to control fine sediments getting into the water.

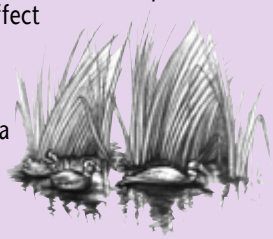
But the crux of the legal dispute is whether the approval is "ministerial" or "discretionary." CEQA defines a discretionary project as one that "requires the exercise of judgment or deliberation" by a public agency before it is approved or rejected. A ministerial one, however, uses only fixed standards or measurements, and doesn't allow for any judgment calls by officials. It's more than a semantic squabble. A ministerial project doesn't trigger the CEQA requirements for public hearings and a possible full environ-

continued page 6

BULLETINBOARD

THE WATER BOND approved by voters this March is the largest in the state's history and will give $250 million to Bay-Delta improvement projects. Funding provided by Proposition 13 — the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Bond Act — will include, among other things, $17 million to tackle in-Delta agricultural drainage problems; $120 million to improve water project fish screens and facilities; and $17 million to curb abandoned mine drainage. Statewide, lots more dough will be doled out for flood control, water conservation, habitat protection, pollution prevention, watershed protection and sewage treatment.

A NORTH BAY SALT POND SURVEY of the biological resources in these hypersaline systems suggests an overall correlation between increasing salinity and decreasing wildlife richness in all groups except waterbirds, according to preliminary unpublished data from the U.S. Geological Survey. The survey is designed to help predict how the recently proposed conversion of these ponds to tidal marshes may affect existing resources. Fieldwork will continue through spring 2001. Contact: John Takekawa (707)562-2000



CLOSING THE DELTA CROSS-CHANNEL HALF the time may protect both fish and water quality, according to modeling analyses done by the Bay-Delta Modeling Forum. How these results can be included in next fall's operational plans will be considered by a new Interagency Ecological Program work team. Opening the channel — which connects the Sacramento and Mokelumne Rivers — has long been thought good for water quality but bad for salmon. When it's open, high-quality freshwater from the Sacramento River can flow down into the Delta toward the export pumps, but can lure migrating salmon into the wrong waterways. When it's closed to prevent salmon from straying, too much salty water from the western Delta gets into the water supply. Last fall, channel managers had the bright idea of only opening the channel half the time, when the rising tide imports the most salt water. Follow-up modeling then implied that such tidally-timed closures would protect water quality as much as opening it full-time. Contact: bherbold@aol.com

ORGANIZERS OF A CALFED SCIENCE CONFERENCE to be held October 3-5 in Sacramento invite scientists and engineers working on CALFED-related issues to submit abstracts of oral and poster presentations. CALFED is the state and federal partnership developing a comprehensive solution for improving the Bay-Delta ecosystem. The conference will focus on themes including Delta hydraulics, organic carbon and lower trophic level processes, fluvial processes, invasive species, effects of contaminants and other chemical stressors, salmonids, species of special concern, tidal wetland processes, diversion effects and environmental water banking, fish facilities and fish screening, drinking water quality and levee system integrity. The deadline for abstracts is June 23, 2000. *www.iep.water.ca.gov/calfed/sciconf*

TIDYING UP A 1999 BALLAST WATER BILL is the purpose of a second bill proposed by Assemblyman Ted Lempert. AB2380 is designed to help the state's Board of Equalization implement the 1999 bill (AB703), which went into effect this January. "We didn't give them enough administrative authority to do their job," says Lempert staffer Linda Barr, explaining that while the Board could collect the required ballast water discharge fees from outside EEC (European Economic Community) shippers, they could not give refunds or process credits. AB2380 is likely to reach the Assembly floor in late April. Contact: Linda Barr (916)319-2021

TACKLING DELTA WATER QUALITY PROBLEMS is the job of the fledgling Veale and Byron Tract Working Group, which is gathering momentum in its examination of ways to reduce problems caused by ag and stormwater drainage from the two tracts and the Knightsen area. The group is a diverse coalition that includes the Contra Costa Water District, Contra Costa County Flood Control District, CALFED, local reclamation districts, farmers, landowners, residents, and state and federal agencies. The group is now looking into sources of elevated salinity and other contaminants and will recommend immediate and long-term solutions for reducing pesticides and nutrients discharged into the Delta, particularly near the Contra Costa Water District's intakes near Rock Slough and Old River. Solutions discussed so far, include relocating discharge outfalls and pumps, creating wetlands to treat discharges, and changing the timing of discharges. Contact: Judy Heath (916) 653-2994

A MOCK OIL SPILL to be simulated at the Bay Model in Sausalito will kick off a legislative hearing on May 5 concerning California's preparedness for any real such disaster. This joint hearing — of the state Assembly Natural Resources Committee and the Select Committee on the Protection of Inland Waterways — will examine the Office of Oil Spill Prevention and Response's proposed "unannounced drill" regulations. The regulations govern what kind of drills oil spill response contractors have to go through to be approved for work in California. Enviros have two criticisms of the proposed regs, according to the Center for Marine Conservation's Doug Obegi. "Contractors don't have to prove they can keep oil from getting into the marshes and estuaries, or clean it up, as the rules only test open water response capabilities," he says. The Center's also worried about the increasing tendency of contractors to subcontract the equipment and trained staff they need to respond to a drill. "Should the public trust a fire department that has to rent a fire truck and hire a fireman for every 911 response?" says the Center's Warner Chabot.

The planned May 5 dry run follows on a similar March 15 spill at the Bay Model — a warehouse full of concrete in the shape and relief of the Bay — which simulated a 120,000 barrel, worst case spill in the Carquinez Strait. "No matter when the drill or mock spill, the result is always the same, " sums up Obegi. "Prevention is always more effective than containment and clean up." Contact: Doug Obegi (415)391-6204 or Linda Barr (hearing) (916)319-2021

BIRTH ANNOUNCEMENT — The San Joaquin Valley has a new organization working to achieve regional cooperation on water issues. As of April 1, the San Joaquin Valley Water Coalition, incubated by the Great Valley Center, became a fully independent nonprofit. The coalition was formed in 1999 to bring together the agricultural, environmental, and business communities to develop a coordinated response to water and land use policies affecting the Valley, and ensure that the region's interests are fully represented in the CALFED process and other state water policy decisions. Contact Jim Duarte (209) 531-0351

RESTORATION

REJECTING RIP RAP

The high cost of using hardscape to repair a washed out bank along Moraga Creek recently nudged the East Bay Regional Park District into experimenting with a softer and cheaper approach.

The district initially planned to repair the the 150-feet of damaged creek bank along the popular Lafayette-Moraga Trail with traditional stabilization materials: riprap and concrete. But soil bioengineering, or using plants and plant parts to stabilize banks, turned out to be a bargain in comparison — $35,000 versus $125,000.

Although some engineers are still nervous about soil bioengineering, the park district's Larry Jinkins, a civil engineer with a background in forestry, says riprap's increasing cost, lack of habitat values and aesthetics, and the fact that it can be difficult to work with, convinced him to try willows instead. Jinkins and his crew created willow "poles" (long, thick cuttings with lateral branches removed) from vegetation already growing along the creek, then pounded them two feet into the soil along the bank just before last winter's rains began. The poles have since sprouted and stabilized the washed-out bank, holding fast in the winter storms. At the toe of the bank, workers installed a coir "log" (roll of coconut hull erosion control fabric), and on the upper bank, a mat of the fabric.

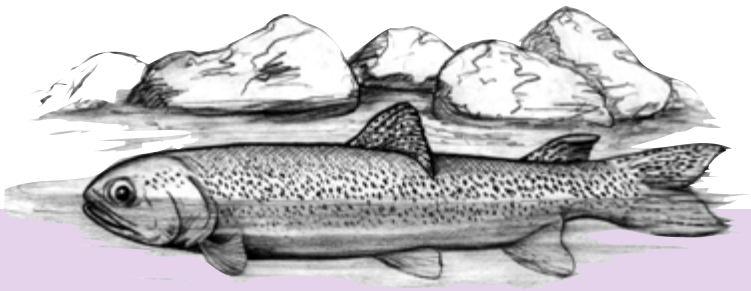
The park district's conversion to such greener techniques hasn't stopped with this project. Jinkins has also used soil bioengineering to stabilize failing banks on sections of Dry Creek in Hayward and in the Black Diamond Mines area, where he was concerned about the damage riprap might do to red-legged frog habitat.

In some areas, the district is replacing culverts with articulated concrete blocks, which allow more of the stream to be open. "We're tired of cleaning out culverts, plus they block the free movement of critters up and downstream" says Jinkins. Jinkins is also beginning to use these low-flow-type crossings to replace culverts in more remote areas where people "don't mind getting a little water in their boots." It's likely that the district will expand its use of such solutions. "We've got an enormous backlog of projects — $31 million in deferred maintenance," he says. "Many of them are amenable to our new environment-enhancing technologies." Contact: Larry Jinkins (510)544-2561 **LOV**

MORE DAMS ON THE BLASTING BLOCK

California seems to be quickly moving to the head of the national dam removal parade. In February, State Senator Byron Scher introduced legislation that would require the State Resources Agency to develop a statewide inventory of dams and water diversions suitable for "decommission, demolition and removal for the purpose of restoring spawning habitat for salmon and steelhead" by January 1, 2001. The bill specifically excludes Central Valley Project and State Water Project facilities, as well as those that "provide essential flood control, water supply or hydroelectric benefits," although it would allow the agency to recommend modifications that would aid salmon and steelhead habitat restoration.

Meanwhile, three dams in the Estuary's watershed moved a few steps closer to removal. Under a tentative agreement between BurRec and the Townsend Flat Ditch Co., a small irrigation company, 93-year old Saeltzer Dam on Clear Creek would be removed, opening 12 miles of spawning habitat. And the San Francisco Public Utilities Commission has announced initial steps toward tearing down two dams on Alameda Creek. The two structures, a 12-foot high dam built in 1901 and a 6-foot high dam built in 1885, are no longer considered necessary, although fish ladders are not being ruled out as an alternative to removal. Contact: Byron Scher's Office (916)445-6747 **CH**



THEMONITOR

REAL DOWN TIME

Biologists cut a chunk out of the real-time, in-the-water, monitoring program of endangered fish distribution in the Delta early this year because it wasn't helping them tell water managers when it was safe to pump.

The cutback involved "Kodiak trawling" for salmon smolts in which two boats stretch a 15-foot-wide, 6-foot-deep net between them and trawl numerous interior Delta stations 10 times a day, five days a week between April and June. According to Cal Fish & Game's Kevan Urquhart, a recent review of five years of trawling data found no relationship between the number and kinds of smolts caught in their nets and those turning up at the pump's fish salvage facilities. "We were basically asked to use a little tiny net to find a depleted and patchy fish population in hundreds of miles of Delta waterways, and to then predict what would happen to the fish at two facilities that divert up to 55% of the Estuary's water," he says. In four out of the five years, total annual trawl catch was eight or less winter-run salmon.

While real-time monitoring using different methods has done well for predicting when Delta smelt are within danger range of the pumps, "no such effective mechanism has yet been found for salmonids," he adds. The reason may be that smelt are resident fish present all over the Delta day after day, unlike the more transient salmon. For this same reason, real-time monitoring of salmon at key entry and exit points to the Delta has been more effective than the interior Delta Kodiak trawls.

"Some people thought we needed to be able to pick out exactly which island the salmon happened to be around everyday," says U.S. EPA's Bruce Herbold. "But this kind of daily data from right in the center of the Delta turns out to be less realistic and useful, in terms of giving pump managers enough lead time to help the fish, than the data on when salmon come in and out of the system."

In the meantime, the Kodiak trawl data is being re-reviewed by interagency experts to see if something was missed. Some say other gear types should be considered; others say trawlings need to be stepped up to a mind-boggling 25-100 times a day. Whatever the outcome, such finetuning remains critical to the ongoing task of directing any water CALFED buys or banks to help fish when and where they need it most. Contact: Kevan Urquhart (209)948-7800 **ARO**

LEGAL BRIEF

DRAINAGE UNPLUGGED

The decades-long battle over responsibility for draining salty irrigation water from the western San Joaquin Valley entered a new phase in February when a federal appeals court ruled that the Department of the Interior must provide drainage — although not necessarily via the highly controversial San Luis Drain.

The 9th Circuit Court of Appeals ruled that under the San Luis Act, which authorized the San Luis Unit of the Central Valley Project, the Department has a duty to provide drainage service to the region. However, it added that "subsequent Congressional action has given discretion to the Department in creating and implementing a drainage solution."

The decision partially reverses a 1995 lower court decision requiring BurRec to seek discharge permits to allow completion of the drain, which was designed to empty into the Delta near Antioch. Construction has been suspended since 1975 due to concerns about the discharge's effects on Delta water quality, and the drain was closed altogether in 1986 after bird deformities at Kesterson Reservoir — which then served as the terminus of the drain — were attributed to selenium in drainage.

So what happens next? "It's not really clear what impact the decision will have," says BurRec's Mike Delamore. Although the ruling is regarded as at least a partial victory for the environment, Environmental Defense's Terry Young worries that people will read the decision as a mandate for a "big, government subsidized program," rather than seeking a solution that combines farmer actions, local actions and government involvement. "The drain plan is outdated. The way to solve the drainage problem is to look at all the options," she says.

Delamore says that's exactly what BurRec has been trying to do. "We've been actively pursuing other options all along," he says. But the court's ruling sends a clear message to get on with it. The decision concludes that "the time has come for the Department of Interior and the Bureau of Reclamation to bring the past two decades of studies, and the 50 million dollars expended pursuing an "in valley" drainage solution, to bear in meeting its duty to provide drainage under the San Luis Act."
Contact: Mike Delamore (559)487-5039 CH

PEOPLE

THE POLITICS OF FARMING: ALEX HILDEBRAND

When Alex Hildebrand began his second career as a farmer almost forty years ago, he never figured it would lead him into the murky depths of Delta water politics. Today, as a director of the South Delta Water Agency, his is one of the region's leading voices for agriculture.

"He doesn't say very much, but it's important for people to listen to what he does say," says the Delta Protection Commission's Margit Aramburu, who met Hildebrand when he spoke about agricultural issues at the commission's first meeting.

Hildebrand, the son of a U.C. Berkeley chemistry professor, fell in love with farming when he worked on a cattle ranch as a youth. But when he graduated from college during the Depression he couldn't afford to buy property, and instead went to work as an engineer for Standard Oil. Finally after returning from World War II, he bought 150 acres on the east bank of the San Joaquin River, halfway between Vernalis and Mossdale, although he did not begin farming until 1962. In the meantime, construction began on the Central Valley Project, and he says "things started to go downhill," as the replumbing of the Delta left farmers with reduced supplies and severe water quality problems, including high salinity.

> **"We're slowly but surely putting a million acres of the most fertile land in the world out of production."**
>
> **ALEX HILDEBRAND**

Local property owners, concerned about the effect of the degradation of their water supply, formed the Delta Water Users Association, which eventually led to the formation of the South Delta Water Agency. Hildebrand was one of the original members appointed to the Agency's board when it was formed in the 1970s. Although members are up for re-election every four years, unopposed members are reappointed; Hildebrand has never been opposed.

Hildebrand credits his multifaceted background to his effectiveness in water politics. "Part of the trouble with the water business is that it is technically very complicated. The fact that I'm an engineer with a degree in physics, with a minor in chemistry, is one reason why my fellow farmers like me to speak for them. When I'm talking to bureaucrats, most of whom don't know a thing about farming, I can explain to them why things work the way they work and why things that they propose won't work."

People who have worked with him concur. "He's sort of a legend because of his technical ability and knowledge," says Aramburu, "because he's a farmer, he has also got a great grip on what's going on with agriculture today. He spends lots of time thinking about the issues and trying to come up with creative and innovative solutions to problems." His daughter Mary, who left a Bay Area career to become her father's partner on the farm four years ago, adds that he is incredibly persistent. "He does get discouraged, but he doesn't let it affect him. If plan A doesn't work he just says lets try plan B."

Although he serves on its Bay-Delta Advisory Council, Hildebrand feels that CALFED — the state and federal partnership developing a comprehensive solution for improving the Bay-Delta ecosystem — is failing to address major issues, such as groundwater depletion and the Valley's salt problems. "We're slowly but surely putting a million acres of the most fertile land in the world out of production," he says.

Hildebrand suspects that CALFED's refusal to address the salt issue is part of a deliberate effort to put westside farmers out of business, in order to free up water for cities and the environment without building new dams and reservoirs. "It's true and unfortunate that new facilities will have some negative environmental impacts, but if we don't create new supplies soon, agriculture won't be able to feed the growing population. And when society begins to realize that, people are going to want to use the water for food, not to protect the environment. In the long run the environment will lose if we don't create enough of a water supply to meet all the needs."

While Hildebrand continues to work energetically on behalf of local farmers, he's also grooming Mary, the youngest of his three daughters, as his successor. She insists that since she does not have his unique background, she will never be able to fill his shoes. "When he finally retires from all this — although retires is a rather fuzzy concept in our family — there won't be anyone with the overall understanding of the issues that he has.
He's irreplaceable." CH

PLANNING

RECYCLED DREAMS

Imagine hundreds of thousands of gallons of recycled water irrigating Bay Area parks, golf courses and cemeteries, cooling industries, helping to restore wetlands and even recharging groundwater.

That's the picture painted by a new plan that calls for recycling 125,000 acre-feet of water per year in the Bay Area by 2010 (the near term, according to the plan) and about 240,000 af/year by 2025 (the mid term) to help create a reliable, drought-proof water supply. The plan (see *Now in Print*) is the result of two years' work by the Bay Area Regional Water Recycling Program, a partnership of the Bureau of Reclamation, the Department of Water Resources and more than 20 local agencies and cities. Several of the participating agencies already recycle water for limited uses, such as landscape irrigation and industrial cooling.

Until now, large scale water recycling has been slowed by a combination of technical, economic and public policy issues. Indeed, the recycling program's plan is the second step of a three-step feasibility assessment, the first step of which explored the possibility of exporting recycled water from the Bay Area to Central California for agricultural irrigation. That idea collapsed under the weight of public opposition from the receiving areas. "People in the Central Valley basically said 'if recycled water is so great why aren't you using it in the Bay Area,'" says the program's Randy Raines. "Based on those comments, the agencies decided to look at Bay Area opportunities."

The plan, released in December, evaluates the potential uses of recycled water and options for providing it, to identify local projects that can serve as catalysts for Bay Area-wide recycling. It defines corridors for cost-effective recycled water delivery (see map). And it projects near-term costs averaging $425/af, including the costs of any retrofits or modifications that customers may need to use recycled water.

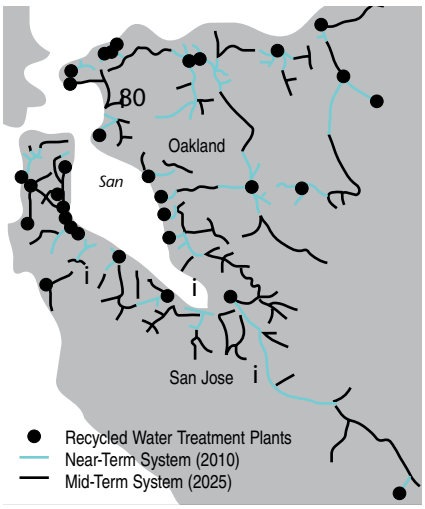
In addition, the plan explores cooperative arrangements whereby users receive recycled water from the nearest source regardless of agency boundaries. Also examined are water banking and trading ideas to allow the transfer of potable supplies to communities without recycling opportunities in exchange for their support of recycling elsewhere in the region, as well as discharge trading to allow water recycling to assist in a watershed approach to Bay discharges.

To ensure near-term implementation, the plan urges the continuation of the federal, state and local partnership, and the creation of a new regional organization. It also recommends a comprehensive education program focusing on the safety and reliability of recycled water as a part of the Bay Area's water supply.

Although the plan calls for near-term recycled water uses that improve the environment by stream augmentation or wetlands enhancement, there are a number of questions about the feasibility of such uses. The initial phases of a City of San Jose pilot study on the use of recycled water to augment stream flow and enhance fish habitat have already come up against some potentially serious issues. "The water comes out of the pipe at a pretty warm temperature and needs to be cooled before it can be introduced into the stream," says biologist Don Arnold, who adds that recycled water also contains chlorine and typically has a higher nutrient load than fresh water, with impacts that are still unknown. Although metals are not an issue in San Jose because of the city's stringent discharge limits, they could be a problem elsewhere.

So now that the plan is on paper, what are the chances of it being realized? Although CALFED has recognized water recycling as a part of the answer, Raines says he suspects that it will take some kind of crisis to kickstart a large scale recycling program. "If we were having a drought this year like it looked like we were going to, we'd be building a lot of recycling facilities right now." Contact: Randy Raines (925)299-6733 **CH**

POTENTIAL WATER DELIVERY CORRIDORS



Source: BARWRP Master Plan

ENVIROCLIP

NEW CAMPAIGN PUSHES MARSH EXPANSION

When the *Habitat Goals Report* debuted last spring with its recommendations for how to restore the health of the Bay over the next century, the Bay Area Audubon Council (consisting of eight local chapters of the Audubon Society) was inspired — so inspired that it wants to see the Bay's 40,000 acres of tidal wetlands grow to 105,000 acres within the next 20 years instead of the 100 years suggested in the Goals Report. The Council also wants to restore 40,000 acres of seasonal wetlands and riparian habitat, ambitious goals that may soon become a reality.

After convincing the Society's state organization to match their funding for the project and to move a media consultant from Sacramento to the Bay Area, local Audubon reps pitched the project to the national office, which eagerly endorsed it. In December, they visited the White House and got a commitment from the President's Council on Environmental Quality for federal funding beginning in fiscal year 2002. The $100 million that Audubon will ask for, says Mike Sellors with the fledgling "Baylands Campaign," will be funneled through the S.F. Bay Joint Venture, U.S. Fish & Wildlife, and Cal Fish & Game for restoration projects. In the meantime, the campaign will work to educate the public — as well as state legislators — about the high values of tidal marsh restoration.

One of the keys to Audubon's lobbying success was the fact that a staff person for the Council had been involved in planning the Everglades restoration. "He told us we were light years ahead of where they were when they began," says Sellors. Sellors also attributes the interest in Washington to the "sound science of the Habitat Goals Project and the fact that Bay Area congressional representatives are starting to think about ecosystem restoration at the regional scale." He adds, "We're being thought of as the Everglades of the West. People seem to like that."
Contact: Mike Sellors (415)388-2055 **LOV**

REHAB

A CHIROPRACTOR FOR CHANNELIZED CREEKS

The Urban Creeks Council is making house calls to landowners whose ailing streams are giving them headaches. The prescription? Hydraulic stream restoration and soft soil stabilization techniques.

The Council's treatment program revolves around making the complexities of stream dynamics and functions *simple* to landowners and public works staff in Alameda and Contra Costa counties. SMPPL, Stream Restoration for Private Property Landowners, answers and tracks calls about stream failures and holds workshops to bring neighbors together for cooperative and holistic problem-solving. Their message is that hard structures meant to armor a bank upset a waterway's natural processes and will lead to failures downstream.

Sometimes neighborhoods opt to contract with the Council to permanently fix their problems and reconfigure stream hydrology. Other times, stabilizing the bank to restore a stream's equilibrium in its altered state is the best hope for restoration. Using natural materials, such as easily-rooted woody plants and native vegetation, the Council employs a scheme of bioengineering methods to slow water velocities and prevent bank scour, while simultaneously reinforcing the soil with deep roots. Such "soft" approaches can also be easy on the pocketbook — estimated at 1/10th the cost of "hard" methods in some cases (see also Rejecting Rip Rap p. 3).

So why, if such methods are so good, so cheap and so long-lived, aren't they more widely used? "Regulators have not insisted they be," says the Council's Josh Bradt. "Public works departments and developers need to get familiar with these approaches, they need to go places and see that they work. But we need the help of the regulators to move in this direction." Contact Josh Bradt (510)540-6669 MA

EROSION CONTINUED

mental review; a discretionary one does. The lawsuit says that Napa officials use "discretion" in deciding to approve a project, thus putting it under the purview of CEQA.

"It's always a better process," says Chris Malan a board member of the Club's Napa chapter. "CEQA is a tool to help the environment." Public input is especially important, she says. CEQA gives people a chance to ask questions about a project, press for mitigations, and consult experts in different fields, such as biology and habitat issues. She says that planners are often not knowledgeable in those fields, and focus their evaluations on erosion and engineering solutions to problems.

"We're not opposed to (public input) except for one thing," responds Craig. Appeals go to the board of supervisors, who are more likely to make a decision on a project's political rather than its scientific or environmental merits. "If enough people get up and shout," he says, noting that Napa County's population is about 120,000, "a hundred people can sound like a majority." Craig also objects to CEQA provisions that mandate an evaluation of the cumulative impacts of a project — an expensive and time consuming process. The growers fear that, even if an individual project is small and will have no adverse impacts by itself, the potential cumulative impacts of it and other projects in the area could trigger requirements for a full EIR.

"We're not going to kill our own soil — that's our livelihood."

BOB CRAIG, VINTNER

That's the way it should be, the environmentalists reply. "You could convert every square foot of the landscape over a given period without realizing you had done anything to alter the wildlife habitat," says attorney Thomas Lippe, who represents the Club. Likewise, the increased runoff from a new vineyard may be minimal, but put together with others in the area it may have a major impact on water quality in nearby streams. The growers say the environmentalists lack scientific data to back up their claims, and that relatively little land — about 4,000 acres — is actually suitable for future vineyard development in the Valley. (There are currently 37,000 acres planted with vines.) They also say that Napa is being unfairly punished for taking a progressive approach to solving its environmental problems, and that a county appointed Watershed Task Force is a better forum for making changes in the ordinance. The Task Force, which has members representing both growers and environmentalists, has already spent nearly $200,000, and is trying to come up with a comprehensive set of recommendations dealing with water quality issues.

Blake says that much of the opposition comes from folks who moved into woodland hillside areas, and are upset by the sight and sound of chain saws cutting away the forest for vineyards. "They feel like its robbing them of the kind of environment and ambiance they moved there for." The debate has become extremely emotional. Malan says that bulldozers often recontour the land to make it more suitable for grapes. "They completely change the landscape. That property is damaged hundreds of years into the future."

"We're not going to kill our own soil — that's our livelihood," Craig responds. He also thinks that the environmentalists don't acknowledge how much growers have done to preserve the rural character of the Valley. Grapes and wine are the only economically viable commodity for the Napa region, he says, and without the vineyards the whole area would have been turned into subdivisions decades ago. Even though at press time a judge has yet to make a single ruling, the effects of the lawsuit are being felt outside the county. State Senator Don Perata (D-Alameda County) sponsored SB 1810, which would have exempted new and replanted vineyards from CEQA, but later tabled it after opposition from environmentalists and little support from growers.

After lengthy debate, Sonoma County passed its own vineyard ordinance, the Erosion and Sedimentation Control Act. Environmentalists have mixed feelings about the new law, which went into effect March 9. They like the fact that it includes sections dealing with increases in runoff, but say that other provisions, such as allowing growers to plant vines to within 25 feet of a creek, are not limiting enough.

Most of the wrangling was between vineyard owners and environmentalists, but many of the provisions of the final ordinance were included because of the Napa lawsuit, according to Gail Davis, of the Sonoma Agriculture Commissioner's Office. "That really drove the changes," she said. Early drafts would have given the county discretion over approval of vineyard plans. The final version, however, mandates a very different process. The county will maintain a list of qualified engineers, who will certify the growers' plans. Davis will check the paperwork to make sure it is in order, and do a site visit in order to see if the plans are being followed. She can't reject a properly certified plan or ask for changes in one. "There's no discretion on the part of the county." By taking that approach, the approval process is purely ministerial, and "CEQA proof," she says.

The Napa suit may also be slowing down the passage of legislation in other counties, such as Santa Barbara and San Luis Obispo, which are

continued back page

PLACES TO GO & THINGS TO DO

WORKSHOPS & SEMINARS

MAY FRI – SUN 5 THRU 7

CALIFORNIA WILDERNESS CONFERENCE

Topic: Celebrate 35 years of the Wilderness Act and build support for the effort to designate additional wilderness throughout California.
Sponsors: California Wilderness Coalition, Friends of the River, et al
Location: Sacramento
(530)304-6215 or www.calwild.org

MAY TUES 9

THE TMDL CONTROVERSY

Topic: How will the TMDL controversy influence water management in the next decade?
Sponsor: ACWA
Location: Monterey
(916)441-4545

MAY WEDS, THUR 10 11

CENTRAL VALLEY MOSAIC

Topic: Our Place in the World. Annual conference serves as an opportunity to network, address the unique challenges facing Valley communities, discover solutions and create a shared vision for the future in the Valley.
Sponsor: Great Valley Center
Location: Sacramento
(209)668-6246 or *www.greatvalley.org*

MAY THUR 11

BALLAST WATER WORKSHOP

Sponsor: Port of Oakland
Location: Oakland
(510)627-1179

MEETINGS & HEARINGS

APR THUR, FRI 27 28

ABAG SPRING 2000 GENERAL ASSEMBLY

Topic: Smart Growth: Moving from Rhetoric to Reality
Sponsor: ABAG, Urban Land Institute District Council
Location: San Francisco
(510)464-7953 or *www.abag.ca.gov/abag/events/ga*

MAY FRI 5

CCMP IMPLEMENTATION COMMITTEE

Topic: S.F. Airport expansion; TMDL for pesticides in the Sacramento River.
Sponsor: S.F. Estuary Project
Location: Oakland
(510)622-2321

MAY TUE 23

SAN PABLO CREEK WATERSHED AWARENESS PROGRAM

Sponsors: Contra Costa County, the City of San Pablo
Topic: Kick off meeting. Topics include the cultural and natural history of the San Pablo Creek Watershed, recent community events, and ideas for activities the group might carry out.
Location: El Sobrante
7:00 PM – 9:00 PM
(510)231-5704

HANDS ON

APR SAT 29

BERKELEY BAY FESTIVAL

Topic: Summer programs and family outings around the Bay. Free activities for all ages, including sailboat rides, walking tours of a historic sailing barge and pirate ship, wildlife presentations.
Sponsor: Berkeley Marina
Location: Berkeley
11:00 AM – 4:00 PM
(510)644-8623

MAY SAT 13

FREMONT STEELHEAD FESTIVAL

Topic: Celebrate the restoration of wild steelhead in Alameda Creek. Steelhead and salmon restoration information; catch-and-release flyfishing lessons; kids activities; 10 K Spawning Run.
Sponsor: Alameda Creek Alliance
Location: Niles Community Park, Fremont.
9:00 AM – 3:00 PM
(510)845-4675

MAY SUN 14

BBQ FOR THE BIRDS

Topic: 45th Annual Mothers Day BBQ to benefit Audubon Canyon Ranch educational programs.
Sponsor: Marin Audubon Society
Location: Volunteer Canyon, Marin
11:00 AM – 2:00 PM
(415)454-5469

MAY & JUNE

WATER TOURS

Topics: Central Valley-San Joaquin Valley (May 24-26), Bay-Delta (June 28-30).
Sponsor: Water Education Foundation
Location: Various
(916)444-6240 or www.water-ed.org

NOW IN PRINT & ON LINE

Exploring the Watershed Approach: Critical Dimensions of State-Local Partnerships
River Network, $20
Copies from (800)423-6747

Integrated Storage Investigation Reports
CALFED
Copies from (916)657-2486

Law Of Environmental Justice: Update Service
American Bar Association
www.abanet.org/environ/Committees/ejupdatemain.html

Managing Northern Pike at Lake Davis: A Plan for the Year 2000
Save Lake Davis Task Force
Copies from (916)653-6420
www.dfg.ca.gov/northernpike/index.html

Master Plan Report
Bay Area Regional Water Recycling Program
Copies from (925)299-6733 or
www.recyclewater.com/barwrp/master_plan.html

Model Water Quality Protection Ordinances
EPA Office of Water
www.epa.gov/owow/nps/ordinance

Muddy Waters: The Toxic Wasteland Below America's Oceans, Coasts, Rivers and Lakes
Coast Alliance, $25
Copies from (202)546-9554

National Directory of Volunteer Environmental Monitoring Programs
Copies from (800)490-9198 or
yosemite.epa.gov/water/volmon.nsf

Precious Heritage: The Status of Biodiversity in the USA
The Nature Conservancy and Association for Biodiversity Information, Oxford University Press
Copies from *www.tnc.org*

Report on the 1980-1995 Fish, Shrimp, and Crab Sampling in the San Francisco Estuary
Cal Fish & Game
Copies from Dept. of Water Resources, P.O. Box 942836, Sacramento, CA 94236-0001

Rivers of Gold: Designing Markets to Allocate Water in California
Brent Haddad
Copies from (831)459-2495 or *jmcnulty@cats.ucsc.edu*

Silicon Valley 1999: Taking the Pulse of Silicon Valley's Environment
Silicon Valley Environmental Partnership
Copies from (650)962-9876 or *www.svep.org*

The Economic Future of the San Joaquin Valley: Growing a Prosperous Economy That Benefits People and Place
Collaborative Economics
www.greatvalley.org/nvc/tech_clusters.html

The Pulse of the Estuary: Tracking Contamination with the Regional Monitoring Program 1993-1998 - SFEI
Copies from (510)231-9539 or *www.sfei.org/rmp*

EROSION CONTINUED

under intense vineyard development pressure. "Nobody wants to get into the situation of Napa," says Davis.

Napa planning director Jeffrey Redding agrees. "We're finding that those who were thinking about it have backed off." Redding says that "time will tell" if the suit's long term effect is actually less, not more, regulation of vineyards. "I'd be really disappointed if that was the outcome."

John Stephens, chair of Napa's Sierra Club chapter is unapologetic. "Do we stop doing what we're doing just because of what someone else is doing?" he asks. In February, the county sent out letters informing permit applicants that approval was on hold until "the necessary CEQA review" (i.e., an initial study) was completed. Stephens says that the suit won't be dropped unless a formal policy calling for CEQA review of all vineyard projects on hillsides is adopted. He wants the case to go to trial, so it can set a statewide precedent that all counties will have to follow. "Agriculture has to be under CEQA. That's where I hope it's headed."
Contact: Chris Malan (707)255-7434 or Phill Blake (707)252-4189 O'B

ARE YOU READING ESTUARY?

IF NOT, FAX US BACK THIS PAGE!

❑ **Please take me off your mailing list!**

Someone else who might enjoy reading ESTUARY is:
Name: _____
Address: _____
_____
_____

FAX THIS WHOLE PAGE, WITH LABEL TO:

ATTN: Heather Bowman
(510) 622-2501

THANK YOU

ESTUARY would like to thank its excellent editorial advisory board for helping us keep up to date on the latest Bay-Delta issues and activities.

Chuck Batts, Bay Area Dischargers
Gary Bobker, The Bay Institute
David Booher, Flanigan Law Firm
Marcia Brockbank, S.F Estuary Project
Roger Crawford, S.F. State
Jules Evens, Avocet Research Assoc.
Arthur Feinstein, Audubon Society
Bruce Herbold, U.S. EPA
Rainer Hoenicke, S.F. Estuary Institute
Ellen Johnck, Bay Planning Coalition
Jim Kuwabara, U.S. Geological Survey
Ron LaForce, United Outdoorsmen
Eric Parfrey, Baseline Environmental Consulting
Chris Parry, Calif Coastal Commission
Paul Revier, Save the Bay
Rogene Reynolds, Doctor & Doctor realtors
Kim Taylor, U.S. Geological Survey
Will Travis, Bay Conservation & Development Commission
Kevan Urquhart, Cal Fish & Game
Douglas Wallace, East Bay MUD
Leo Winternitz, Dept. of Water Resources

CHANGE SERVICE REQUESTED

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

ESTUARY

APRIL 2000 VOLUME 9, NO. 2

Editorial Office: PO Box 791
Oakland, CA 94604
(510)622-2412

Estuary Web site at
www.abag.ca.gov/bayarea/sfep/news/newsletter/index.html

Subscription Q&A: (510)622-2321

STAFF

Managing Editor: Ariel Rubissow Okamoto
Senior Editor: Cariad Hayes
Graphic Design: Darren Campeau
Contributing Marcie Adams

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.