



SHORTCHANGING RESTORATION? — Rebutting charges by some water users that the environment has received the lion's share of water-related funding in recent years, Environmental Defense reports that aquatic ecosystem resources received only 25% to 38% of such funding since 1992. In a report entitled *Following the Money* (see *Now in Print*), the organization tracks more than \$8 billion directed at projects throughout the Bay-Delta water management system.

HARBOR SAFETY practices aimed at preventing oil spills and promoting safe navigation in Bay waters may soon become institutional policy if a proposed Bay Plan amendment now being considered by the S.F. Bay Conservation and Development Commission doesn't run aground. The amendment builds on the recommendations of the San Francisco Bay Region Harbor Safety Committee. Contact: (415)352-3600

AUBURN TUNNEL — A tunnel that has diverted the American River's flow around the controversial Auburn Dam's construction site for the last 25 years will be closed under an agreement between the U.S. Department of the Interior and California Attorney General Bill Lockyer. Although closing the tunnel will not prevent future construction of the dam, it will restore the river's natural course, and reopen five long-closed miles to rafters and kayakers. (*Sacramento Bee*, 3/18/00)

B-2 COUNTDOWN — Both CVP water users and environmental groups are appealing a federal judge's March ruling upholding the Interior Department's method of accounting for water allocated to fish restoration under the 1992 Central Valley Project Improvement Act. Although environmentalists are generally pleased with the ruling, they still have some technical concerns about the way the water is counted, according to Save the Bay's Cynthia Koehler.

FISH SCREEN BILL—This April the Senate passed Senator Ron Wyden's (D-OR) bill to create a voluntary program to help pay for construction and operation of fish ladders, fish screens, and other facilities that decrease fish mortality from the operation of irrigation and other water diversion systems. As approved by the Senate, the bill would provide up to \$25 million a year in federal matching grants for five years to irrigation and soil conservation districts and other local government entities in Oregon, Washington, Idaho, California and Montana.

BAY BLUEPRINT FOR DREDGING — Amendments to the region's Bay Plan and Basin Plan, which codify a recently completed long term management strategy for Bay dredging, are now being considered by the S.F. Bay Conservation and Development Commission and the S.F. Regional Water Quality Control Board respectively. At public hearings to be held this July (see calendar), attendees will learn more about this inter-agency/stakeholder developed strategy to reduce in-Bay disposal and maximize beneficial reuse of dredged material. Contact: (415)352-3600

Watering Crops or Cul de Sacs?

The paving of prime farmland is just one of the dire consequences that opponents predict will result from the South San Joaquin Irrigation District's (SSJID) plan to transfer 40,000 acre-feet of so-called "excess water" from the Stanislaus River to the cities of Tracy, Escalon, Lathrop and Manteca. What's more, they claim the transfer represents the tip of an iceberg that could ultimately sink CALFED's efforts to acquire water for environmental restoration.



photo: Bob Walker at IDG Film

A coalition of groups, including the Sierra Club, DeltaKeeper, the Audubon Society and the California Sport Fishing Protection Alliance, is preparing to file suit to prevent the transfer, which was approved by the irrigation district's board at the end of May. The coalition claims, among other things, that the transfer will fuel growth in the four cities — growth that will pave tens of thousands of acres of farmland and wildlife habitat and may compromise water quality. "The EIR tries to make the argument that if SSJID does not give the cities the water to grow, they'll get it somewhere else," says the Sierra Club's Eric Parfrey. "The reality is that this is by far the best option the cities have — it's really the whole ball game." Parfrey says the transfer — together with another recently approved transfer to Stockton — will move about 75,000 acre-feet, enough for roughly 125,000 homes. "They are literally talking about water supply for the whole next wave of suburban sprawl over the next 20 years," he says.

SSJID's Grant Kreinberg says the transfers are not to blame for growth. "We are simply accommodating growth that the cities have approved in their general plans and have written a CEQA document for," he says.

Parfrey says that the two transfers will cut the river's flow significantly during critical periods, further degrading the already poor water quality downstream, where high salinity is a particular problem. These water quality concerns are leading the South Delta Water Agency to oppose the transfer, although it is unclear whether the agency will join the suit. "The net effect is that we would be suing jurisdictions within our area," says South Delta's John Herrick. "We would rather work

with communities on area-wide problems."

Both Herrick and Parfrey say the controversy over this and other transfers could ultimately force new case law on water rights. "The issue of who owns 'excess water' is a huge legal question," says Parfrey. SSJID argues that it is entitled to up to 300,000 acre-feet per year from New Melones under its original settlement with BurRec, to use or sell as it sees fit. "Because cities use less water than the crops that used to be there, we've got an excess," says Kreinberg, who also notes that the agency has undertaken conservation measures in recent years. "If agencies can't put their conserved water to use, what's the point of conserving?" he asks.

Others say that in today's water universe if water is not needed for agriculture, it's needed instream for water quality and fish protection. "Our position is that there is no surplus

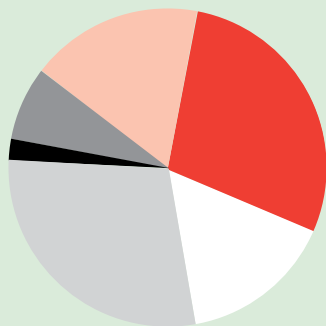
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BULLETINBOARD



SWALLOW BOXING — After returning from their wintering grounds in South America, some South Bay swallows — those swift-flying, insect-eating machines — found new homes awaiting them in the marshland at Coyote Hills Regional Park. The high-rise homes (nest boxes on poles) were built by naturalist Dave Riensche (aka "Doc Quack" for his love of birds) and fifth-graders from Graham Elementary School in Newark. The project began last year with the installation of 15 boxes. Seventy percent of those boxes were nested in, according to Riensche. This year, he and the students doubled the number of boxes and will count nests later this season. The program, which is funded by the East Bay Regional Parks District and the Alameda Countywide Clean Water Program, teaches kids about the links between pesticide use, impacts on wildlife, and water quality. Riensche says the students are fascinated to learn that each swallow can consume up to 4,000 insects a day. "They learn that what we do in our own backyards affects the birds and the Bay," says Riensche. Contact: (510)795-9385

SOURCES OF LOWER SAN JOAQUIN RIVER SALT LOAD



- Sierra Nevada tributaries
- Groundwater
- Municipal & Industrial
- Wetlands
- Subsurface return flows
- Surface return flows

SALINITY REGS PERCOLATING—Public workshops now being held by regulators (see calendar) are examining ways to attack salt and boron problems in the 130-mile reach of San Joaquin River between the Mendota Dam and Vernalis. Levels of these two naturally-occurring elements in the reach already exceed concentrations known to impair the beneficial use of Delta waters for agriculture, wetlands and drinking supplies. Most of the salt and boron enters the river with return flows from irrigated agriculture and wetland areas. Proposed Basin Plan amendments now being developed by the Central Valley Regional Board are expected to include new water quality objectives for both salt and boron and an implementation plan for meeting objectives. Adding high quality water to the river, one option for reducing concentrations, is beyond the authority of the

Board but is being considered by CALFED and other technical groups working on Delta environmental management. Contact: davish@rb5s.swrcb.ca.gov

SELENIUM SURGES—An annual regulatory review of a four-year-old regional effort on the part of Grasslands area farmers and drainers to reduce selenium inputs to local wetland water supply channels along the San Joaquin River concludes that despite dramatic overall improvements to water quality in the channels, the 2 µg/L selenium water quality objective has continued to be exceeded during various times of the year. The regional effort to curb the selenium combines both district- and farm-level activities, ranging from consolidation of agricultural drainage into a single channel (part of the old San Luis Drain) and operation of a regional drainage entity with the power to trade selenium loads among its members to on-farm water conservation and recycling. The Central Valley Regional Water Quality Control Board recently completed three reports detailing water quality impacts of the project, and is working with farmers and drainers to isolate remaining selenium sources. Contact: schnagr@rb5s.swrcb.ca.gov

SPILLS, BILLS & A LAWSUIT were the result of a Port of Oakland attempt to clear a few derelict vessels from its waterways this March. Residents of the Clinton Basin Area—also known as Shipwreck Point—watched an "ecological disaster" unfold when the port's backhoes and crew tried to drag the 65-foot, 150-ton *Moby Dick* up onto the beach and break it down, only to find it was filled with fuel which soon slicked the shoreline and adjacent mudflat. "The right way to do it is to lift them out of the water with a crane and onto concrete," says local artist Patty St. Louis, who has long been fighting to get her neighborhood's stretch of commercial shoreline some respect for the waterfowl it attracts. As a result of the demo no nos, BayKeeper sued the port and the S.F. Regional Water Board is issuing a notice of water quality violations and a fine.

CONTROLLING GUADALUPE FLOODS—Officials released an EIS/EIR describing an environmentally sound flood prevention project for the Guadalupe River in downtown San Jose for public comment this June (see calendar). The Army Corps and the Santa Clara Water District abandoned construction of a less sound option for containing a 100-year-flood that included widening and reinforcing a 2.6 mile section of the river downtown in response to a lawsuit calling for better protection of water quality and listed steelhead and salmon. After consensus building on eight different new designs, stakeholders and agencies settled on an option that includes construction of a bypass channel to avoid impacts on nearly 3,500 linear feet of riparian habitat; creation of a channel for fish passage during low flow conditions; riverbed and riverbank armoring planted with riparian vegetation; and the removal of barriers to fish passage. For EIR copies, www.heynoah.com/floodmgt/grfpp

GUADALUPE PROJECT COMPONENTS

| Beneficial Use | Project Induced Impact | Mitigation Elements |
|---------------------------------|------------------------|---------------------|
| Riparian Vegetation | 14.12 acres | 21.0 acres |
| Shaded Riverine Aquatic Habitat | 8,387 linear ft. | 22,892 linear ft. |
| Fish Spawning Gravel | 24,850 sq. ft. | 25,190 sq. ft. |

ATLANTIC SALMON FARMED in the Pacific Northwest are breeding in the wild, creating problems for their endangered Pacific cousins, according to research by John Volpe at the University of Victoria (*Conservation Biology*, June 2000). The Atlantic salmon are cultured in marine-net pens off British Columbia and Washington State, and storms, predators and human error all cause fish releases into the Pacific. The Canadian government maintains that farmed fish are too domesticated to spawn in the wild, but DNA analysis and other research by Volpe has identified juvenile Atlantic salmon in British Columbia's Tsitika River. The Atlantic salmon could compete for food and occupy habitat needed by native salmonids. Steelhead trout may be at the greatest risk, according to Volpe. (*Environmental News Network*, 6/7/00)

SCIENCE

THE CASE OF THE CROAKING FISH

The victim lay belly up. Scott "Sherlock" Ogle noted the date of death as September 3, 1999, and scratched his head. In three months of weekly toxicity tests of water samples from the head of Mare Island Strait on the Napa River, this was the first, but not the last, stiff. Two weeks later more fish croaked.

"This really is a mystery," says Ogle, a scientist with Pacific EcoRisk studying toxicity in Delta smelt habitats for the Interagency Ecological Program, and runoff from Bay-Delta agricultural watersheds for the Regional Monitoring Program for Trace Substances (RMP). The test fish, in this case, were inland silversides, a non-native estuarine fish similar to smelt. "These results are pretty unusual in their extremity. In order to kill every one of the fish in 24 hours it has to be something pretty bad." The results also surprised Ogle because similar tests on shrimp produced no dead bodies.

Unlike Sherlock, Ogle couldn't just sniff or taste the river water and announce the identity of the poison. His first clue was the speed with which it acted: "My gut feeling is this was too fast for a bacteria, disease or fungus." His second clue came after he filtered the lethal samples (as part of an RMP TIE), and discovered that the toxicity disappeared. Thus, the mystery substance had to be attached to the particles in the water.

This result ruled out a few other likely suspects, says Rainer Hoenicke who runs the RMP program. The pervasive household pesticide diazinon, for example, is so soluble it would have stayed in the water after filtering, not to mention killing the shrimp. Likewise, old DDT derivatives lying around in the sediments wouldn't kill a fish, just maybe give it cancer or the like 10 years later, he says. After this basic testing, all the scientists know is it probably is a "synthetic organic" chemical coming from municipal sewage or agricultural runoff.

The next clue didn't turn up till this spring, when Dave "Watson" Schoellhamer of the U.S. Geological Survey heard about Ogle's results. Schoellhamer and associate John Warner checked hydrodynamics data from the Mare Island Strait for those two September dates and found just what the former had suspected: The dates coincided perfectly with two neap tides, in which tidal flushing was particularly low and sediment trapping particularly high in the Strait. They also noted that both samples were collected during the slack after an ebb tide when the marshes all the way down the Strait would have been filled with water from the Napa River.



"Basically, you've got two toxic samples during a tidal phase when we'd expect the poorest water quality and when the water is coming from upstream," says Schoellhamer. "Flow from the Napa River would have been small for several months, and residence time of a water or sediment particle greater than it is at any time of the year."

More clues may lie in archived samples collected as indicators of ecological health in San Pablo Bay by a U.S. EPA funded program called CISNET. If scientists can re-examine samples from before, after and during the September fish kill, then they should be able to discover more about its persistence. Geoff Schladow, who runs the program, also plans to keep the mystery in mind in planning his future sampling.

"This may happen five, ten or fifty times a year, but we've just never sampled at the right time to see it, or it may be much more sporadic," says Hoenicke.

Timing is a key clue, especially to the glamour side of the case. If the dead fish include

front page material like the endangered Delta smelt, then the hunt is on. But if the smelt aren't anywhere near the scene of the crime, then interest in the case could flag.

U.C. Davis fish expert Bill Bennett says the smelt only hang out in the Napa River during the wetter months. Sifting through the few clues now at hand, Bennett suspects that any of several fish species (splittail and tule perch, among others) in the Napa River might be affected by the mystery toxicity, but that on a Bay-wide basis, overall populations would not be influenced.

What the scientists hope to discover next is: if the toxicity is only a dry season phenomenon; if it persists for several weeks or just a short period; and what happens if samples are taken at a different time in the tidal cycle. As all the scientific sleuths try to decide exactly what should be done next to get more clues, and who should pay for it, one thing remains clear: the case of croaking fish is far from elementary. Contact: Scott Ogle (925)313-8080, Dave Schoellhamer (916)278-3126 or Geoff Schladow (530)752-6932 **ARO**

THE MONITOR

CREEK COMPARISONS

Monitoring doesn't have to be daunting. Last summer, a professor and two students compared East Bay stream sections in various stages of restoration using creek critters benthic macroinvertebrates in less than two months and at a cost of under \$4,000.

"Millions of dollars are being spent on restoration projects," says Vince Resh, professor of aquatic entomology at U.C. Berkeley. "But without monitoring you really don't know what's working."

Resh collected benthic macroinvertebrates from two sections of Baxter Creek in the El Cerrito Hills, and from Strawberry Creek on the Berkeley campus. On Baxter Creek they sampled both a non-restored section and a section that had been "daylighted" a few years ago in Poinsett Park and restored by the Waterways Restoration Institute. The students used the U.S. EPA's Rapid Bioassessment Protocols to evaluate habitat conditions at all three sites, and the bugs they found in the streams to examine water quality.

Bugs are often sensitive to disturbances or low levels of pollution in streams that chemical and physical assessments do not always detect, and they have the advantage of being used world-wide as indicators.

"Certainly in California they are becoming the main tool for assessing pollution," says Resh.

The results of Resh's work, soon-to-be published in a journal article, indicate that both in-stream biological conditions and habitat values were better in the restored section of Baxter Creek than the non-restored section, but were slightly less rich than those of Strawberry Creek, which had been restored 12 years earlier. After measuring the number of bug families and species, and rating them using the Family Biotic Index (which assigns a pollution-tolerant value to each species), the researchers found that the non-restored section of Baxter contained more pollution-tolerant species than both the restored section and Strawberry Creek. Strawberry Creek and the restored section of Baxter both contained pollution-sensitive species like caddisflies that the non-restored creek did not.

"Post-project evaluation is often viewed as a luxury, as too expensive or time-consuming," says Resh. But this shows that it can be done easily and cheaply using volunteers, students, and neighborhood groups." The \$4,000 cost, adds Resh, could have been reduced by 75% if university credit had been substituted for student salaries. Contact: vresh@nature **LOV**

WATER WARS

SHARING THE WEALTH?

A proposal being floated by East Bay MUD to take water from the American River and share it with other districts is drawing fire from environmentalists and Sacramento officials.

EBMUD has been unsuccessfully trying to gain access to the American River for three decades. In 1970, the agency contracted with BurRec to take 150,000 acre feet annually, but Sacramento, along with environmental groups, protested and sued. In 1990, Judge Richard Hodge ruled that EBMUD could divert some water, but placed severe limitations on the amounts it could take in dry years. Even after Hodge's decision, the squabbling has continued almost unabated.

EBMUD's Charles Hardy confirmed that the agency has been talking to several districts, including those in Contra Costa, Santa Clara, and Alameda Counties, and to CALFED about its proposal. In dry years, EBMUD would use its entire allocation of American River water, but in years when supply is plentiful, EBMUD would sell it to the other districts. Hardy says that EBMUD would gain a reliable drought year source for its customers, while the others would get cleaner, purer water to blend with their current Delta supply. The joint effort might also be eligible for CALFED funding, saving EBMUD millions of dollars for new infrastructure, he says.

Sacramento officials are miffed. "We're disappointed [EBMUD] announced this without consulting the American River stakeholders," says Jonas Minton of the Sacramento Water Forum. Actual details of the proposal have been scarce, Minton says, but it's clear that EBMUD would have to go back to court. "Judge Hodge's ruling explicitly provides that any water diverted by EBMUD was only for the use by EBMUD's customers."

Environmentalists fear that if EBMUD succeeds, the result could be an upstream diversion, which they say would damage habitat and recreation, and a possible expansion of Los Vaqueros reservoir to accommodate the additional storage needs. Jim Jones of the Save the American River Association calls EBMUD "out of synch" with the thinking of most of today's water managers. "EBMUD has this tendency to come up with these schemes and see if they can make them fly." **O'B**

RESTORATION

LAST CHANCE FOR CODORNICES CREEK?

Despite eight months of consensus-based planning among creek advocates, recreationists, the cities of Berkeley and Albany, and U.C. Berkeley students and planners, a design for Codornices Creek combining creek restoration, fish protection and the creation of new student facilities continues to falter. The scapegoat for the project's problems seems to be the 3,000-foot stretch of creek between San Pablo Avenue and the railroad tracks near the Bay (crossing largely University-owned land), but some say the true culprit is poor planning and the University's refusal to acknowledge what creek restoration really means.

To creek experts hired to come up with a design, namely the Waterways Restoration Institute, restoration means creating sinuous new meanders in straightened sections, pools and riffles for threatened steelhead, and a wide swath of native riparian vegetation along the creek banks. But University planner Jackie Bernier questions the feasibility of full restoration: "It took 70 years to get the creek in its current condition. It's going to take a while to fix it. Everyone wants this wild and woolly creek but I don't know if that's going to be possible here."

One thing sitting in the path of a planned meander is some 1960s barracks-style housing. Although the University would like to replace it with new, seismically safer structures, many students are unhappy at the prospect of paying higher rents. Then there's the even bigger problem of the planned replacement housing itself, which would sit even closer to the restored creek. "The real crime is that these proposed buildings are governing the future of the creek," says the Urban Creeks Council's Carole Schemmerling. Giving the creek adequate room would only require realigning one building by 30 feet and another by 40 feet, and moving 10 parking spaces, she says.

Nor is the University giving a proposed trail enough room, according to creek and trail advocates. Apparently, the University has refused to provide project designers with a sufficient right-of-way for both the creek and a hoped-for trail along its banks connecting to the Bay Trail and the Ohlone Greenway.

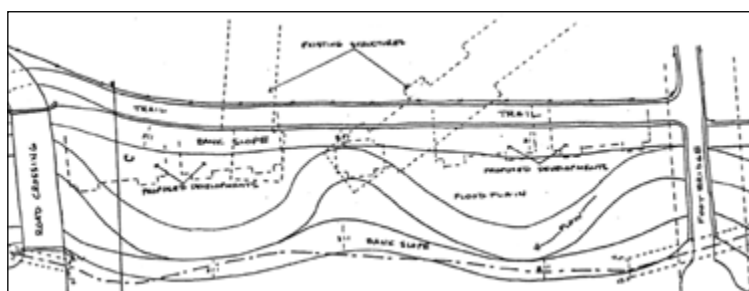
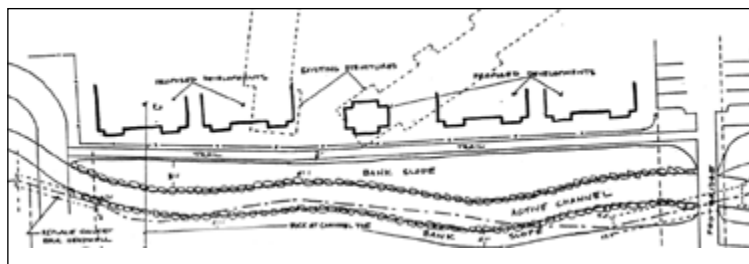


Other mid-meander blockades include a large maintenance shed and a play yard behind a day-care center. Creek advocates say the shed and play lot can easily be relocated, but the University claims it cannot afford to move the shed. As for relocating the play area, a laundry facility that sits just north of it would have to be relocated first, says Bernier. "These are issues we can't deal with in the short term, but that doesn't mean we're not going to try to find solutions."

If the shed and play lot are not moved, the creek will be confined to a narrow right-of-way, requiring structural reinforcement and preventing a completely natural restoration, not to mention precluding much-needed flood control benefits of the planned meanders. U.C. Professor Tom Dudley says the semi-structural approach often turns out to be a problem for restoration projects because the riparian corridor is too narrow. "What is needed here is a comprehensive analysis of how to re-establish the best, most extensive, aquatic and riparian system."

With all of the issues that have arisen, the project will likely undergo further environmental review, according to Bill Knight with the Berkeley Department of Public Works. Knight says that in addition to that review, many of the stakeholders hope to "get a bigger purview" on the project (by involving the U.C. Chancellor's office if necessary). "I think decisions have been made at a particular level by people with limited authority," says Knight. Contact: Bill Knight (510)665-3426, Waterways Restoration Institute (510)848-2211, or Jackie Bernier (510)642-0167 **LOV**

RESTORATION ALTERNATIVES BETWEEN 5TH AND 6TH STREETS



Source: Waterways Restoration Institute

GOVERNMENT

CHILL ON THRILLCRAFT

The chainsaw-style din of personal watercraft—the innocuous label of those machines bearing trade names such as Jet Ski, Waterbike and Sea Doo—won't spook a flock of birds or wake waterfront residents from their afternoon naps for long if Marin County has its way. The county banned these "thrillcraft" from its waters last November, following in the footsteps of its Golden Gate neighbor San Francisco—but has since found itself facing enforcement problems, threats to shoreline improvement grants, coastal permit issues and a lawsuit.

"It's amazing the lengths the personal watercraft industry will go to fight an environmentally sound ordinance that was passed by the people of Marin," says Jenna Postar of the Bluewater Network, which has been championing such bans in sensitive areas around the nation and is now an intervenor in the lawsuit.

Perhaps the industry, and its consumers, are feeling a little hemmed in. Banned from San Juan County Washington, Tahoe and San Francisco in the late 1990s, not to mention assorted reservoirs and lakes, West Coast jet ski enthusiasts have been forced to pull back that throttle. The Marin ban—the strictest countywide ban on the California books—was followed this spring by the creation of the largest jet ski free area in the U.S.A. The federal National Oceanic and Atmospheric Administration—prompted by a lawsuit from the Environmental Action Committee of West Marin—announced a ban in its 948-square-mile Gulf of the Farallones National Marine Sanctuary to begin after public hearings later this year.

Each challenge to its watery playgrounds has inspired the personal watercraft industry to new legal acrobatics not unlike the weaving between vessels, jumping wakes, spinning and changing course radically so popular with users of its products. Early legal maneuvers centered on the right of all anglers and boaters to use public boat launch ramps. A key case involved the City of Redding's attempt at a ban on the grounds that the craft disturbed endangered salmon migrating along the Sacramento River. The industry succeeded in overturning the ban by arguing that ramps built with federal funds are governed by a law (Wallop-Breaux) saying that they must be open to all users.

"You can't build a ramp with their taxes and then five years later say you're going to

restrict a particular group's access, an equity issue comes into play," says Dave Johnson of the Department of Boating and Waterways.

More recent bans have been upheld, however. In a similar Florida case, a judge ruled that Wallop-Breaux does not grant personal watercraft users a federal right to public launch ramps, and allows them to be "singled out" from other boaters and banned, according to Bluewater's Postar.

So the new Marin lawsuit, still in its early days, is being brought under the broad grounds that it denies riders their constitutional rights to public waterways. According to Dave Zaltsman of the Marin County Counsel's office, "The case is basically a kitchen sink approach, with the issues shifting depending on where industry research tells them they may be successful."

While the lawsuit percolates, Marin is dealing with other bits of politics and paperwork. This July, it must get a new permit from the Coastal Commission because it has changed the use of its waters with the ban. It must also resolve the final details of a grant application for funds to renovate a boat launching facility at Miller Park on Tomales Bay. When Marin applied to Boating and Waterways for the grant, the state said a condition of the grant would be a special corridor to take

jet skis out of the area, according to Marin's Dennis Jauch. In the end, however, the county may be spared this condition. It recently discovered that Miller Park fronts on federal waters controlled by national parks with existing jet ski bans that supersede the county's. "Any corridor would have to go for miles out into the ocean, so it's a moot point," says Jauch. But such conditions could be imposed for any future grant applications in other locations.

Marin's most immediate problem is enforcement of the ban. The sheriff must cover two coasts with one patrol boat and the county only recently got some signs up educating skiers about the ban. But boundaries are the nightmare issue, especially on the Bay coast. The county only controls some waters, while cities like Sausalito, Belvedere, Mill Valley and Tiburon control others. One local official likened the waters of Richardson Bay to a "jigsaw puzzle," pointing out that there are no signs out in the middle indicating boundaries.



LAND USE

NEW VIEW OF WATERFRONT

More than thirteen new acres of open water, public parks and new views of the Bay are among the public benefits expected from proposed changes to three plans governing development along the San Francisco waterfront from Pier 35 to China Basin.

"These changes will fundamentally alter what the Port of San Francisco can do on the piers," says Save the Bay's Marc Holmes, who worked with the S.F. Bay Conservation and Development Commission and the Port on recommended changes to the *San Francisco Bay Plan*, the *San Francisco Waterfront Special Area Plan* and the *San Francisco Waterfront Total Design Plan* for Piers 7 through 24. Currently, only "water-oriented" uses are permitted on piers that are redeveloped. The changes would relax this restriction to allow a variety of "public trust" uses. Although public trust uses are hard to define with precision, the Commission's Joe LaClair says that in San Francisco's current land-use context, "there is consensus that it means public access and recreation, combined with new maritime uses such as the new cruise terminal and excursion boats."

Under the proposed changes, which are the result of four years of negotiations between the agencies, five piers would be removed, opening new areas of water, and new parks would be created at Pier 27 and at Piers 34 and 36. "This deal is good for the Bay because of the re-creation of open water, and because the new parks and public access would not have been provided otherwise. There is no requirement under any law for new parks along the waterfront; this will cause new parks to be built, not just a walkway here or there," says Holmes.

LaClair says that new developments along the waterfront will likely include a mix of uses, some of which may not be classic public trust uses, such as maritime offices or shops. However, "when looked at as a whole, the project will have to meet the public's needs," he says. "We're looking for uses with qualities that attract large numbers of people to the Bay. Benefits that accrue from development of this area have to accrue to the entire Bay Area."

At press time, the Commission planned a June 15 hearing on the proposed changes. Contact: Joe LeClair (415)352-3656 [CH](#)

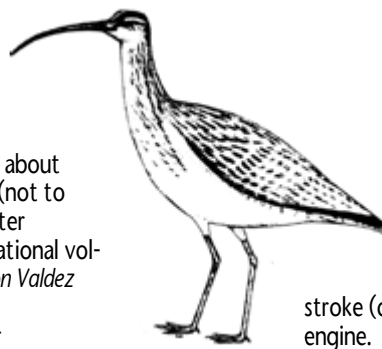
THRILLCRAFT CONTINUED

Though the cities are generally supportive of the county's ban, none of them want to pass their own bans until the lawsuit is settled. "Once the lawsuit is overturned, enforcement and education will all fall into place," says Postar. In the meantime, skiers have been heading up to Sonoma launch sites.

Wherever they launch and range, today's thrilcraft, also known as "musclecraft," leave pollution in their wake. California's Air Resources Board recently placed tough new emissions controls on personal watercraft, which can emit as much air pollution in a single day of riding as driving 139,000 miles in a 1998 passenger car.

A two hour ride also dumps about three gallons of gas and oil (not to mention MTBE) into the water unburned (adding up to a national volume equivalent to four *Exxon Valdez* spills per year). Experts say the polluter and noisemaker is the same carbureted two stroke engine that powers the majority of outboard motors, it's just the size and handling of the craft that make them so damaging.

The Air Board has given manufacturers a series of deadlines in the next decade by which they have to clean up what Postar calls "antiquated machines and gross polluters." Since personal watercraft remain the fastest



growing segment of the boat- ing industry, accounting for 30% of all boat sales, manufac- turers have already come up with a cleaner quieter two

stroke (direct injection versus cabureted) engine.

"The pollution stuff may be fixable," says Zaltsman. "Riders charging through a group of marine mammals or disrupting birds is what requires a ban."

Contact: Jenna Postar (415)788-3666 or Dave Johnson (916)263-0780 www.dbw.ca.gov or www.bluewaternet.org

ARO

FOLLOWUP

NAPA SUIT SETTLED

A contentious legal dispute between Napa County and the Sierra Club has been resolved — at least for now. On April 25, the two sides reached an out of court settlement on a Club lawsuit alleging that the county was improperly approving new hillside vineyards and other developments (see *Vintage Turf Wars*, ESTUARY, April 2000).



"We're not bringing back the salmon so we can move out people or grapes."

In the settlement, the county agreed to require CEQA review of all projects on slopes greater than 5%. "We are happy the County agrees with us now," declared a Sierra Club press release. But the Club also held out the possibility of future lawsuits if the county fails to consider cumulative impacts of separate projects located on the same creek or stream. Some growers reportedly think the club is trying force a full blown environmental review of each and every proposed develop- ment, even those that would routinely be granted a "negative declaration" by officials.

The county's Watershed Task Force, which made up of vintners, officials, developers and environmentalists, is continuing to meet. Planning director Jeffrey Redding says the suit made its task more difficult by "changing the level of trust" that had gradually built up among its members. The group is working on recommendations for improving water quality in the Napa River, and had been hoping to complete its work by June 24. "That won't happen," Redding predicts.

In a related development, a two year, \$225,000 study of water conditions in the river is getting underway. Funded by the S.F. Bay Regional Water Quality Control Board and the Coastal Conservancy, phase 1 of the Sediment Total Maximum Daily Load (TMDL) study will examine what factors may be limiting the populations of steelhead and other aquatic species in the Napa River and its tributaries. "We'll look at all kinds of things," says the Board's Mike Napolitano. In addition to studying sedimentation, investigators will try to determine what role stream architecture, scour from heavy winter flows, riparian cover and other conditions on have on habitat quality.

He hopes researchers can gain the trust of landowners in the watershed, because they will need access to waterways in order to do sampling. The agencies involved will work one on one to reduce property owners' suspicions that such studies inevitably lead to more stringent regulations, he says. TMDL studies do usually lead to watershed-based regulatory limits on inputs. But as Napolitano says, "We're not bringing back the salmon so we can move out people or grapes." Contact: Napa Planning Dept. (707)253-4416 or Mike Napolitano mbn@rb2.swrcb.ca.gov **O**B

SEEKING STORY

CAN YOU THINK OF A GOOD STORY FOR ESTUARY?

You readers can help us keep in touch with the latest water wars and land use debates, the newest water quality initiatives and pollution prevention projects, the complexities of water supply and demand, the realities of restoration and endangered species protection, the challenges of scientific exploration and monitoring in our Bay-Delta watershed...

Please mail, email or fax us your great ideas for stories! If possible, include the names and phone numbers of people who might be sources of further information on the subject.

Thank you for helping us keep in touch!

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PLACES TO GO & THINGS TO DO



WORKSHOPS & SEMINARS

JUNE 21 WEDNESDAYS SALINITY AND BORON WORKSHOPS

Topic: Development of a Basin Plan Amendment addressing salinity and boron in the Lower San Joaquin River (see page 2).

Sponsor: Central Valley Regional Board
Location: Modesto
9:00 AM — 4:00 PM
(916)255-3102

JULY 13 AND 14 THURS - FRI UPDATE ON WATER LAW & POLICY

Topics: Pending Bay-Delta decision, groundwater rights and TMDLs. Confirmed speakers include Mary Nichols, Secretary of the California Resources Agency.

Sponsor: Water Education Foundation
Location: San Diego
(916)444-6240 or www.water-ed.org

OCT 3 THRU 5 TUES - THURS SCIENCE CONFERENCE 2000

Topic: Scientific information and ideas relevant to CALFED's goals and objectives pertaining to ecosystem restoration, levee system integrity and water quality.

Sponsor: CALFED
Location: Sacramento
(510)622-2465 or www.iep.water.ca.gov/calfed/sciconf

NOV 8 THRU 10 WED - FRI NEGOTIATING EFFECTIVE ENVIRONMENTAL AGREEMENTS

Topics: Conflict Assessment, Stakeholder Analysis, Ground Rules, and Multiparty Negotiations

Sponsor: Concur, Inc.
Location: Berkeley
Cost: \$795
(510)649-8008 or concur@concurinc.net



MEETINGS & HEARINGS

JULY 26 WED FLOOD CONTROL WORKSHOP

Topic: Public hearing on joint EIS/EIR for the Guadalupe River Flood Control Project (see page 2).

Sponsor: Santa Clara Water District, Army Corps and others.
Location: San Jose
6:15 PM
(408) 265-2600

JULY 6 AND 20 THURS DAYS LTMS IMPLEMENTATION HEARING

Topic: Basin and Bay Plan amendments to implement the Long Term Management Strategy for Bay Dredging and Disposal (see cover).

Location: San Francisco
(415)352-3600



HANDS ON

JUNE 28 THRU 30 WED - FRI WATER TOURS

Topics: Bay-Delta (June), Sierra Watersheds (September).

Sponsor: Water Education Foundation
Location: Various
(916)444-6240 or www.water-ed.org

JULY 1 SAT OAK WOODLAND RESTORATION

Sponsor: Friends of Sausal Creek
Location: Oakland
(510) 231-9566

JULY 8 SAT SALT MARSH SAFARI

Topic: Observe the life and times of flora and fauna in a salt marsh.

Sponsor: San Francisco Bay National Wildlife Refuge
Location: Fremont
10:00 AM — 12:00 PM
(510)792-0222

JULY 8 SAT BIRD MONITORING

Sponsor: Friends of Sausal Creek
Location: Oakland
8:00 AM — 9:30 AM
(510)231-9566

JULY 29 SAT WATER POLLUTION CONTROL PLANT TOUR

Topic: How wastewater makes its way to the Bay.
Location: Alviso
10:00 AM — 12:00 PM
(408)262-5513

STATE OF THE ESTUARY 2000 RESTORATION PRIMER

This 76-page, two color report describes the current state of the San Francisco Bay-Delta Estuary environment and summarizes restoration recommendations drawn from the 29 presentations and 99 posters of the March 1999 State of the Estuary Conference, as well as related research. Each section presents rehab advice from experts in the restoration field, and couples overviews of related new scientific findings with descriptions of actual on-the-ground restoration projects. Major sections include: Vital Statistics; Restoration Recommendations; and Measuring and Modeling Tools. Reserve your copy by sending your name and address, and \$5 for shipping and handling (payable to Friends of the SF Estuary) to SFEP, 1515 Clay Street, #1400, Oakland, CA 94612 or by calling (510)622-2465. Copies will be mailed out in late July.

NOW IN PRINT & ON LINE

Briefing on California Water Issues — Update
Water Education Foundation
www.water-ed.org/briefing.html

California's Bay-Delta Water Quality Dilemma: It's Getting Worse, Not Better
ACWA
Copies from (916)441-4545 or www.acwanet.com

California's Looming Water Crisis
ACWA
Copies from (916)441-4545 or www.acwanet.com

Dam Removal Success Stories: Restoring Rivers through Selective Removal of Dams that Don't Make Sense
American Rivers, Friends of the Earth, Trout Unlimited
Copies from (202)547-6900

Following the Money
Environmental Defense
www.environmentaldefense.org/pubs/Reports/FollowingtheMoney

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Water Education Foundation
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ACWA
Copies from (916)441-4545 or www.acwanet.com

Water and the Shaping of California
Water Education Foundation
Copies from (916)444-6240 or www.water-ed.org

Water Education Curriculum Summaries
www.uwex.edu/erc/ywc

WATER RIGHTS, WATER WRONGS

Those who missed the Water Rights forum held in Oakland in November 1999 can now read the views of the state's foremost experts on water rights law on paper. Transcripts of the all-day-event explore the conflicting and confusing nature of California's water rights system, its tangled and fascinating history, and efforts to bring it up to date with changing water needs—namely agricultural, urban and population growth throughout the state coupled with a greater concern for environmental protection. The Forum transcript includes the views of esteemed speakers such as: Hon. Ronald B. Robie, Hon. John T. Racanelli, Resources Secretary Mary Nichols, Barbara Katz, Jerry Johns, Virginia Cahill, Scott Slater, Harrison Dunning, Anne Schneider, Clifford Lee, Bill Dendy, Arthur Littleworth, and Antonio Rossmann. Order the transcript from the San Francisco Estuary Project for \$25 (audio-cassettes \$20) by calling (510)622-2465. Checks payable to SFEP/ABAG. Requests can be mailed to S.F. Estuary Project 1515 Clay Street, Suite 1400 Oakland, CA 94612

WATER TRANSFER CONTINUED

water to be purchased for any purpose," says Herrick. "Only in excessive flood years is there unused water in the San Joaquin system; normally, all the water is put to beneficial use and everyone's return flows provide necessary benefits to downstream beneficial uses. 'Conserving water' simply means that an upstream party is decreasing the amount available to downstream uses at one time and supplying it for use at another time. It's a zero sum game and can only result in redirected impacts."

Parfrey acknowledges that there is a certain irony in his organization's opposition to the transfer, since environmentalists have long called for more water transfers as an alternative to new water storage and conveyance facilities. "We are certainly not opposed to the ag to ag transfers, which are needed all the time. Where we get scared is when we see very large water transfers from ag to urban districts, and where we get freaked out is when we see big ag to urban water transfers out of basin. We've got to look at the nitty gritty of each one very carefully."

Parfrey is also worried about the cumulative

effect of water transfers on CALFED's ability to acquire water for restoration purposes. If enough water gets contracted for in transfers, "it could really tie CALFED's hands," he says. However, CALFED water transfer guru Greg Young is not too concerned: "There are enough willing sellers throughout the system to satisfy the demands of the Environmental Restoration Program and the Environmental Water Account," two key elements of the state-federal partnership's plan to fix the Bay and Delta. However, he adds, "whether the price that CALFED has to pay to acquire water to augment flows in a few streams gets higher because of transfer activities is a tough one to call."

Young says he thinks trying to halt growth by opposing water transfers is misguided. "Transfer proposals are not the appropriate mechanisms for dealing with growth issues," he says. "There are other avenues for that."

South Delta's Herrick believes that continued conflicts over water transfers are inevitable precisely because programs such as CALFED are falling short. "The Delta's problems are not being fixed, so anytime anybody does anything it exacerbates them," he says.

"The Delta's problems are unequivocally attributable to the state and federal water project operations. Until they step up and correct what they're doing, there are going to be problems like this over and over again." Contact: Eric Parfrey (510)420-8686 or Grant Kreinberg (209)823-3101 CH



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