

## DAM ARUNDO!

California's early Spanish settlers and its contemporary beavers have something in common—both discovered that *Arundo donax*, an invasive bamboo-like reed, makes fine construction material. In Shasta County's Stillwater Creek, beavers have started using *Arundo*, as well as the usual natives like willow, to build their dams. But in so doing, the ecologically friendly beavers are spreading the ecologically damaging reed.

In Southern California, *Arundo* now dominates many riparian habitats, and it is rapidly becoming established in and along Northern California creeks. In dense stands that can grow up to four inches per day and reach heights of 30 feet, this "reed-on-steroids" crowds out native plants. It sucks up vast amounts of water, yet after it dies, its dry stalks create a fire hazard. Once touted as an erosion-control plant, *Arundo* is now known to promote erosion. And during high-water events, fallen clumps of *Arundo* the size of school buses sometimes clog river channels, causing floods.

The problem with beavers and *Arundo* mixing it up is that as the industrious rodents drag the reed to their dams, stem fragments are released into creeks, then float downstream and plant themselves along the banks. The other problem is that beaver dams create shallow, slow-flowing water conditions conducive to *Arundo* infestations. Says Western Shasta Resource Conservation District's Valerie Shaffer, "*Arundo* is found throughout Stillwater Creek, but we always find heavy concentrations near beaver dams."

Shaffer emphasizes that she doesn't want anyone to blame the beavers. "*Arundo* would still spread rapidly without the beavers' help. I'm more concerned about *Arundo* impacting the beavers. Beavers don't eat *Arundo*, and it crowds out the plants they do eat."

Shaffer wants to raise public awareness, so that landowners know to remove *Arundo* right away. She hopes to eliminate the plant from the beavers' habitat, so the long-toothed critters can find plenty of their favorite native plants to chomp on—and build with.

Contact: Valerie Shaffer (530)365-7332; for more info on *Arundo* and how to remove it, see <http://ceres.ca.gov/tadn/> **SPW**



## Will Talks, Bills, or Snow Save Delta?

The closed-door meetings that produced the document unofficially known as the "Napa Agreement" are a tough act to follow. In fact, the sequel, the "UOP Talks" (so named because the meetings were held at Stockton's University of the Pacific), is a complete flop for the moment. Yet both legislators and the governor's office say there is hope that, after all the talking is done, the elusive Delta goal of meeting CVP standards will be met.

The UOP Talks, which broke off in mid-March, included Delta farmers, fisheries and wildlife managers, and other groups not party to the original Napa Agreement meetings, as well as state and federal contractors that were part of Napa—the Westlands Water District and the Metropolitan Water District of Southern California.

Both the Napa and UOP discussions focused on a proposal included in the CALFED Record of Decision that supporters say will move CALFED forward on established goals for improving water supply reliability—an increase in pumping to 8,500 cfs at the State Water Project to enhance water contractors' operational flexibility. Such measures, say opponents, could send as much as one million acre-feet of water per year south of the Delta.

The additional Delta pumping and CALFED's water quality goals didn't add up for state Sen. Michael Machado of Linden or Congressman Richard Pombo of Tracy. Last fall, the two legislators asked MWD and others who participated in the Napa meetings what Delta farmers and fisheries and other wildlife managers thought about water quality issues related to agriculture and wildlife.

The Napa participants couldn't answer the question because they hadn't asked the Delta people for their opinions, says Tom Zuckerman, co-counsel for the Central Delta Water Agency.

"That's when I started getting calls from the Napa folks," recalls Zuckerman.

The phone calls to Zuckerman and others started the UOP Talks, which focused squarely on the Delta water quality issues that Machado and Pombo had identified. One of the major problems in the Delta is water quality in the San Joaquin River. CALFED has yet to address this problem, says Machado, and

increased pumping in the Delta would only exacerbate the degraded water quality and low flows in the San Joaquin.

The UOP Talks gave those in the Delta a chance to voice their frustrations at BurRec and the Department of Water Resources for not meeting the water quality standards required by the State Water Resources Control Board, as well as their skepticism that anything could be done to enforce them.

"The local Delta interests do not have a lot of faith that the state and federal agencies will respond when

water quality standards are not met, and we've not given them a reason to feel otherwise," says CALFED's Tim Ramirez.

During the talks, water contractors offered solutions to the San Joaquin's low flows—such as pumping Sacramento River water to the southern San Joaquin. But these proposals were not taken seriously, says Barry Nelson of the Natural Resources Defense Council. "This is just re-engineering that puts water in the San Joaquin below the dry point and doesn't address the problem," he says.

**"This is just re-engineering that puts water in the San Joaquin below the dry point and doesn't address the problem."**

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## BULLETIN BOARD

**RESTORATION IS GOOD** for the economy, according to a recent study by the nonprofit organization Forest Community Research, which found that natural resources restoration work generated more than \$65 million between 1995 and 2002 in Humboldt County. According to Chris Larson, executive director of the Mattole Restoration Council in Petrolia, Humboldt County's restoration economy parallels new trends throughout the West. By planting trees, stabilizing streambanks, repairing or even removing stream-impacting roads, rearing salmon, and engaging in other watershed-rehab activities, residents and former loggers are boosting Humboldt County's economy. Although state and federal funding has been generous over the past decade, finding funding is an ongoing challenge. The Center for Economic and Environmental Development estimates that \$150 million is needed to address water quality and salmon habitat issues related to roads in a five-county region in northern California.

**THE CITY OF MORRO BAY** and a group of Santa Barbara county citizens and small business owners want to see fewer beaches closed for the federally threatened western snowy plover and filed a lawsuit in February to make their point. Based on an unpublished 2001 master's thesis, which showed no significant genetic difference between the coastal and inland plover populations, disgruntled citizens and business owners formed the Surf-Ocean Beach Commission to fight the designation and ask that the plover be delisted. They claim that the March through September closures of large stretches of beach during the birds' nesting season are hurting their beach-related tourist economy. Fish & Wildlife announced that it would reconsider the plover's protection, although the original threatened designation was based on the fact that the plover populations breed in different locations. In the meantime, the California Coastal Commission is asking state parks officials to end human access to parts of the Oceano Dunes State Park year-round. The California Department of Parks and Recreation recently reported that more snowy plovers hatched and survived last year in coastal parks due to increased protection efforts.

## POLITICS

## A LEAK IN PROP. 50?

When officials at the California Department of Health Services issued draft guidelines for how they would distribute their allotment of Proposition 50 money last year, they specifically barred private water companies from applying for the funds. But in an apparent about face, state health officials are preparing to allow private water companies the chance to compete for \$485 million in grants and loans under Prop. 50. Public agencies and advocates are steamed over the specter of companies like American States Water Company—the U.S. subsidiary of the German conglomerate RWE AG, which had \$54 billion in sales last year—getting access to scarce public dollars.

"Public financial resources are limited, and the competition for them is intense," says the Pacific Institute's Peter Gleick. "Because private water companies have access to other [capital] resources I think it's fair to limit public bond money to public agencies."

Prop. 50—which, at \$3.4 billion, is the biggest water bond in state history—was presented to voters in 2002 as a measure that would boost conservation, secure water structures against terrorist attacks, upgrade water quality and management, and fund coastal land purchases for conservation and restoration purposes. While Prop. 50 didn't specifically exclude private companies, many public utilities and non-profits feel its intent was that state and local agencies and nonprofits get the money.

"The language of Prop. 50 was unusual in that it was silent on private water companies," explains Doug Wallace of East Bay Municipal Utilities District. "However, the official voter's guide was absolutely clear that the bond grants would be directed only to state and local agencies, as well as non-profits."

Those who support the idea of Prop. 50 money going to private water companies, including state Senator Michael Machado, say the measure was clear in terms of upgrading water systems in economically disadvantaged communities, some of which are served by private water companies. Private companies need the incentive to upgrade water systems in disadvantaged areas, explains Machado.

"Private companies are not going to make the investment [in updating and cleaning water systems] because they can't get a return because the communities can't afford the higher rates that will be charged," Machado says.

In the months since Prop. 50's passage, state agencies and legislators have been developing



rules for how monies will be distributed. But determining what makes a public utility "public" has become a central issue in this process.

One attempt to do this was in a bill by Machado. Senate Bill 909, amended by Machado on June 23, 2003, sought to change the Public Utilities Code, to broaden the definition of public utility to include any entity that owns or operates a water system in the state that sells and delivers water to the public. Such a utility is subject to regulation by the Public Utilities Commission. According to the amended bill, public water systems regulated by the PUC are "eligible for grant funding from the sale of any general obligation bond authorized by the voters, unless not included or excluded by the express provisions of the bond."

Language in the bill also specifically prohibited water companies from benefiting financially from public bond money. "The provision for [the bill] was only if the money was a gift of public funds; we don't want companies making profits on [Prop. 50 funds] or setting rates on them," says Machado.

Although Machado has publicly denied that the amended bill had anything to do with contributions to his campaign, he received campaign contributions of \$20,000 from the Southern California Water Company (June 30) and \$5,000 from the company's lobbying firm Hatch and Parent (June 25). Neither firm had given to Machado's previous campaigns, according to records filed with the Secretary of State's office. The bill is currently stalled in the Assembly.

Meanwhile, private water companies, which gave \$52,500 to support the Prop. 50 campaign, are talking to the health department, the only department thus far to issue drafts of guidelines for distributing funds.

American States Water Company and other private concerns—which have spent more than \$800,000 lobbying in 2003 and 2004 argue that private water companies serve 20% of the state's water ratepayers. Banning these companies from competing for Prop. 50 funds means that these ratepayers—who are also taxpayers whose dollars help pay for the bond—will lose out on the intended benefits, they say.

A series of letters to health department officials from American States Water Company and its lobbyist Christine Frahm sent between January and March 2004 provide a window into the argument being used to persuade state health officials. "Because American States owns and operates a California-based water system that sells and delivers water to the public, the company—when it operates in this capacity—is a public entity... Proposition 50

# REHAB

## FROM FARMS TO FLOODPLAINS AND FILTRATION SYSTEMS

Mickey Saso's land, a grassy plain interwoven with sloughs and ponds along the San Joaquin River near Crows Landing, looks like a wildlife preserve—but it isn't, at least not officially anyway. Saso's wild land is land that has been restored to its former floodplain self after being farmed for years, a restoration enabled by an innovative Natural Resources Conservation Service (NRCS) program that helps farmers return marginally productive, flood-prone fields back to functioning floodplain. While Saso's property does boast habitat for birds like white-faced ibises, great horned owls, and pelicans, it has another function. His "ranch," as he calls it, cleans polluted, topsoil-laden drainage water that flows onto it from adjacent farms before continuing on its way into the San Joaquin. Saso is one of several farmers along the river seeking financial and technical assistance from such NRCS programs as the Emergency Watershed Protection Program (EWP), Wildlife Habitat Incentives Program (WHIP), Wetlands Reserve Program (WRP), and Environmental Quality Incentives Program (EQIP).

Most of these lands were flooded at least three times during the past decade in heavy rains, explains NRCS's Mike McElhiney. Previously, says McElhiney, farmers would apply to the Farm Service Agency's Emergency Conservation Program, which would help them replace irrigation ditches or other floodplain structures that had been damaged in floods. Oftentimes, those structures would just be blown out again in the next flood. Some of the farmers, says McElhiney, "came to the trough too many times," so the USDA decided to come up with a better, non-structural approach to the problem, such as purchasing perpetual floodplain easements from willing sellers. Most of the farmers were tired of fighting the river, says McElhiney, but were worried that conservation easements might mean too much government control over their land.

After the devastating 1997 flood, NRCS worked hard to develop a sense of trust with the landowners, and has since purchased 14 perpetual conservation floodplain easement/restoration projects in Stanislaus County, including Saso's, along the river between Vernalis and Crows Landing. Saso's property has become a



showpiece, a demonstration project through which others learn about the NRCS programs.

Saso found out about NRCS eight years ago when he purchased his riverfront property, which he christened "Wingsetter Ranch," despite never planning to raise cattle there. The property consisted of 140 mostly barren acres, originally part of a 2,000-acre vegetable farm owned by Manual Gonsalves. As a condition of purchase, Gonsalves required Saso to design a system for treating the topsoil- and pesticide-laden discharge from the surrounding farmland, anticipating that the State Water Resources Control Board would soon require such measures. After hearing about Saso and Gonsalves, and with new congressionally authorized environmental cost-share programs under his belt, McElhiney approached Saso and other farmers he thought might be eligible.

"We need to realize that these lands have a function and value," says McElhiney, "that

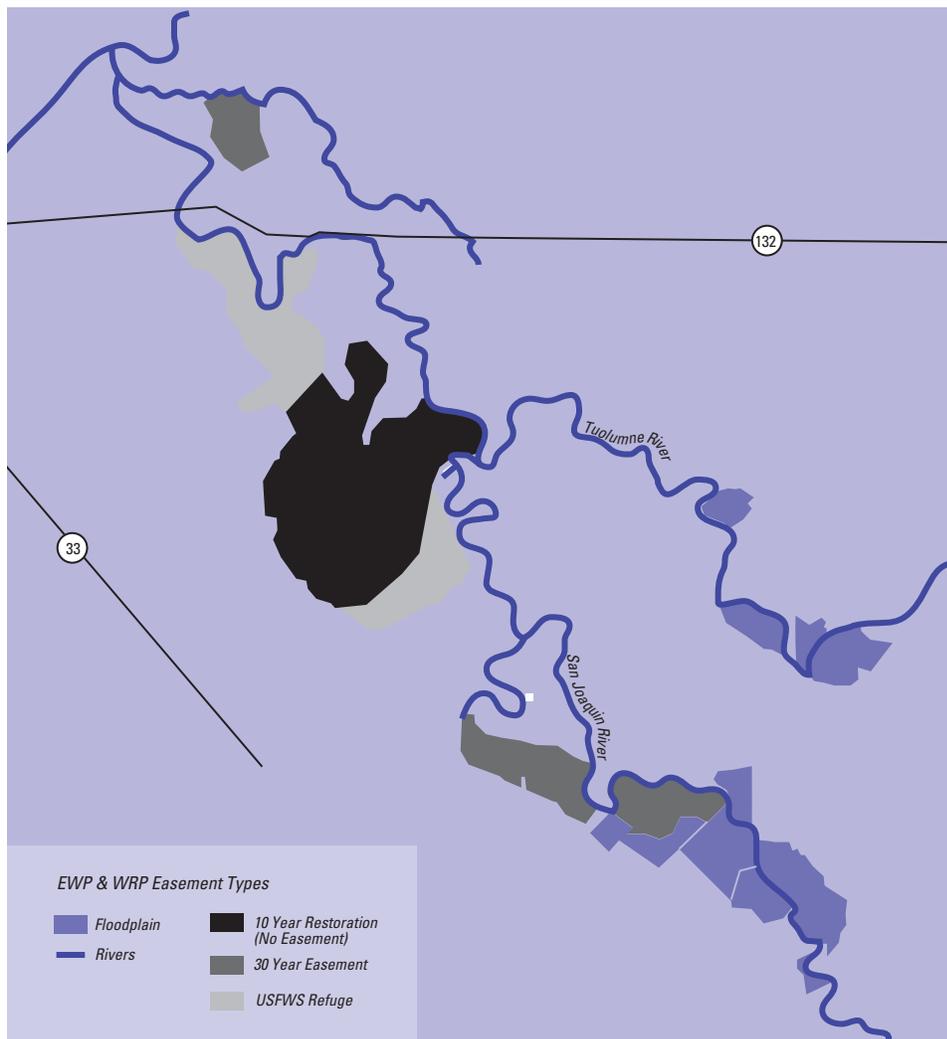
when we do these projects well, we will have functioning floodplains and less conflict between the really productive agriculture on adjacent terraces and the river. Here's the perfect opportunity to have functioning wetlands, functioning floodplains, and clean water."

Using the Emergency Watershed Protection and WHIP programs, Saso came up with a plan to create a network of waterways and wetlands in the former floodplain that would not only provide habitat for wildlife, but also intercept and filter the murky tailwater that drains downhill to his property from almost 4,000 adjacent acres of cultivated pepper, tomato, and other fields. Today, after flowing through his land, the tailwater is released, clean and clear as the sky, into the river.

Many of the nearby farmers tapped into EQIP. That program helps pay almost 50% of the cost of farmer and rancher projects that improve water and air quality, control

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### CONSERVATION & RESTORATION ACTIVITIES ON THE SAN JOAQUIN RIVER, STANISLAUS COUNTY



## FARMS, CONTINUED

soil erosion, minimize potential offsite impacts, and conserve habitat for at-risk species. EQIP's technical assistance program helps farmers figure out which best management practices will be most effective on their land in addressing locally identified resource concerns, says McElhiney.

EQIP funds have increased dramatically over the past few years, reflecting California's growing focus on river health and irrigation runoff. Says EQIP manager Helen Flach, "Growers here have a big regulatory burden pushing them to protect water quality." Flach says the state's EQIP allocation increased from \$7.4 million in 2001 to \$42 million in 2003.

But farmer demand for EQIP assistance has far outpaced available funds. In 2003, California received twice as many applications as it could fund, and Stanislaus County, where Saso's ranch is located, received four times as many. McElhiney says, "Farmers like EQIP because it's flexible and because local growers, with a little USDA oversight, decide who receives the money." The county was allocated \$1.8 million, which it divided among 104 projects.

Environmental groups cite Saso's ranch as an example of how environmental programs

such as those funded by NRCS can simultaneously provide wetlands for wildlife and improve water quality. Ducks Unlimited's Dennis Baker explains that at the ranch, plants like tule and smartweed not only provide shelter for waterfowl, they also take up contaminants, removing them from the water.

Saso begins tours of his ranch at a mile-long lake built on a former melon field. He explains that flowing into the lake via a 3,000-foot-long concrete pipe is discharge from adjacent farms—tailwater that used to flow straight into the San Joaquin. As the water enters the lake, it passes through a large silt trap and a filter of dense smartweed. Then it slows, allowing silt particles to fall to the bottom. (The silt is removed once a year and used to reinforce local levees.) Cleaner water exits the lake and meanders through a long chain of sloughs and small ponds, where silt traps and plants continue the purification process. Saso ends his tours at the last slough, where crystal clear water tumbles over a gate, out of his ranch, and into the river.

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see also [www.ca.nrcs.usda.gov](http://www.ca.nrcs.usda.gov) **SPW/LOV**

## NEXT GENERATION

### SLEWS FOR SLOUGHS

What Fatima Malik, a senior at Sacramento's Grant Union High, calls "a real vibe" are the hours she spends in muddy boots planting native grasses and trees along the banks of Putah Creek. Her botany class is participating in Student and Landowner Education and Watershed Stewardship (SLEWS), a program sponsored by the National Fish and Wildlife Foundation and local partners such as Audubon California, that engages students in restoring wildlife habitat along Willow Slough, Putah Creek, and Cache Creek in Yolo and Solano counties.



Since the program began three years ago, more than 30 classes from 15 different high schools have restored habitat in hedgerows and beside creeks and man-made ponds, all on land voluntarily taken out of production by farmers. "SLEWS projects are substantial, they're hard work, and they make a difference," says Grant Union teacher Ann Marie Kennedy, who is leading her second class through the program. Her students installed a drip irrigation system and dozens of bird nesting boxes, and planted 4,000 native grass plants, 200 shrubs, and 150 trees on a two-acre parcel roughly 50' wide and 1,300' long owned by an organic walnut farmer along Putah Creek, helping expand riparian habitat.

And riparian habitat needs help, says SLEWS' Dan Leroy, who adds that in the Central Valley, almost 95% of it has been taken out by agriculture and development, and that in the SLEWS region, most creek- and slough-side acreage is still farmed. He says, "The student projects are important because they show how farming and riparian ecosystems can coexist. In some cases, they actually help the farms, by bringing back beneficial insects, for example."

Leroy hopes to create long stretches of contiguous student projects over time. For now, he enjoys seeing the fruits of the projects put in three years ago. "The plants have grown so fast, and new animal species keep turning up. It's amazing how quickly it all comes back."

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## PLANNING PORTENTS

### VOTERS ENABLE FERRIES AND STORAGE



Bay Area voters were in a generous mood in the March election, easily passing Regional Measure 2, which will bring in an estimated \$125 million annually from increased tolls, and jumpstart several transit projects, including a new fleet of "green" ferries for the Bay. The measure had broad support from environmental and social justice groups, represented during the campaign by the Transportation and Land Use Coalition. What brought environmental groups to the table was the tantalizing prospect that transit improvements would clear the region's air.

Part of the air cleaning will be done with "green" ferries. The current fleet burns diesel fuel; Regional Measure 2 money will help pay for eight new ferryboats with advanced emission controls and engines that are 85% cleaner than the U.S. Environmental Protection Agency's 2007 standard for diesel marine engines.

The new ferries will be part of expanded ferry service from San Francisco to Alameda/Oakland/Harbor Bay, as well as to Vallejo. In

addition, Regional Measure 2 could bring about new ferry service in South San Francisco and Berkeley/Albany, according to Stuart Cohen of the Transportation and Land Use Coalition.

Meanwhile, Contra Costa County voters passed Measure N, which gave the go-ahead to further studies of the proposed Los Vaqueros Reservoir expansion, which would quintuple current storage capacity. Measure N proponents believe an expanded Los Vaqueros will provide steady water supply in drought and a way to shore up supplies for the Environmental Water Account. Critics charge the expansion is a ruse to take more water out of the Delta and send it south. The ballot initiative was worded to address the major concerns—that Contra Costa County ratepayers would not have to pay for the expansion, that no water would be shipped south, and that the Contra Costa Water District would retain control of Los Vaqueros.

The expansion's estimated cost is between \$1 billion and \$1.5 billion, and water district officials have said a larger reservoir will be paid for by the state and federal water agencies that invest in it. No partners have yet signed on to the project.

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## REGULATION

### THIS PRODUCT MAY BE HAZARDOUS TO SALMON HEALTH

Residents of West Coast cities with populations of 50,000 or more may soon see "salmon warnings" posted wherever seven commonly used pesticides (see sidebar) are sold, as a result of a lawsuit filed by enviros and a subsequent injunction issued by a Seattle district court judge. The warnings are intended to let people know that some of the chemicals they might choose to use on their lawns and around their homes could impact steelhead and salmon in their backyard creek. Enviros are concerned about the potential, sub-lethal effects of certain chemicals on fish, such as the impairment to salmon's sense of smell found in recent studies by NOAA Fisheries and the Northwest Fisheries Science Center (see ESTUARY, April 2003).

Another result of the injunction is that 20-yard, on-the-ground, no-spray buffer zones, and 100-yard aerial buffer zones will be instituted along streams supporting threatened and endangered salmon. The judge's ruling covers 26 distinct populations—"evolutionarily significant units"—of wild Pacific salmon and steelhead listed as threatened or endangered under the Endangered Species Act. The ESUs encompass a broad geographic area along the Pacific Coast: in California, steelhead habitat alone extends from the Oregon border south to Los Angeles and inland to Sacramento and Modesto.

The warnings and no-spray buffers are interim measures put in place by the judge while the U.S. EPA consults with NOAA Fisheries about 54 pesticides that may (or may not) be harming salmon. That process, which could take up to two-and-a-half years, is one outcome of the original lawsuit, which claimed that the EPA had violated the Endangered Species Act by failing to ensure that the pesticides would not jeopardize threatened and endangered salmon.

Heather Johnson, with Washington Friends of Farms & Forests, an advocacy group for farmers and the timber industry, doesn't see the interim measures as a positive step. "We are very concerned that the way the lawsuit came out will do irreparable harm; we're con-

cerned about public health and noxious weed issues." Johnson says the recent studies by NOAA Fisheries and the Northwest Fisheries Science Center do not conclusively demonstrate harm to salmon.

Earthjustice attorney Patti Goldman, who represented the environmental plaintiffs in the case, disagrees. "The studies are cutting edge," says Goldman. "They are just the tip of the iceberg. It's a pretty bizarre argument to say that there are no effects on salmon when even USGS spot-checks have found diazinon and malathion and carbaryl in salmon streams above levels set for aquatic life." Goldman adds that the ruling exempts spraying for public health concerns, such as controlling West Nile virus, as well as for controlling invasive weeds.

But Johnson's biggest complaint is that she feels "innocent farmers" are being punished by EPA's failure to consult with NOAA Fisheries. "This is all about a failure of government agencies to communicate as well as they should have and unfortunately, it's farmers and others who are going to pay the price for that."

Johnson also asserts that the levels of diazinon used in the NOAA Fisheries' studies were 100 times higher than anything found in Washington and Oregon waters and that the study used very small, statistically insignificant numbers of fish. She believes current laws and practices are doing a good job of protecting salmon. Says Johnson, "If we can identify areas where we could do a better job, then by all means, let's do it, but let's not use one-size-fits-all blanket solutions that don't look at what's really happening out there on the ground."

Environmental groups have different "on-the-ground" concerns. No one is quite sure who will enforce the buffer zones, for example, although in California, some buffer zones have already been put in place by regulatory agencies other than the EPA. Salmon-bearing estuaries—like the San Francisco Bay-Delta—are subject to the ruling, but irrigation ditches and canals are not. DeltaKeeper's Bill Jennings says the ruling is a "nice step in the right direction," but doesn't go far enough, cautioning that while the buffer zones apply to 38 pesticides, Central Valley agribusinesses routinely use 150.

Tracy Collier, a scientist at the Northwest Fisheries Science Center in Seattle—where the recent research on diazinon and salmon's sense of smell

### PESTICIDES REQUIRING WARNINGS

2,4-D  
carbaryl  
diazinon  
diuron  
malathion  
triclopyr BEE  
trifluralin

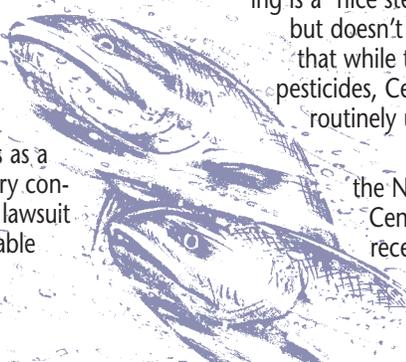


### PESTICIDES REQUIRING PROTECTIVE BUFFERS

1,3-dichloropropene	fenbutatin-oxide
2,4-D	lindane
acephate	linuron
azinphos-methyl	malathion
bensulide	methamidophos
bromoxynil	methidathion
captan	methomyl
carbaryl	methyl parathion
carbofuran	metolachlor
chlorothalonil	metribuzin
chlorpyrifos	naled
coumaphos	oxyflourfen
diazinon	pendimethalin
diflubenzuron	phorate
dimethoate	prometryn
disulfoton	propargite
diuron	tebuthiuron
ethoprop	triclopyr BEE
fenamiphos	trifluralin

was conducted—says, "The real issue is that these chemicals occur [in salmon habitat] in combination and have a common mechanism of action. So you have to look at the cumulative effects of multiple compounds." Collier defends the integrity of the diazinon-salmon studies. "We found statistically significant reductions in behavioral responses of salmon exposed to as little as one ppb diazinon in the water, and evidence for impairment at levels one tenth of that. You've got fish that look normal, act normal, and seem to swim OK, but if they can't smell, they may not respond to the presence of predators or make their way upstream to reproduce. Those are pretty serious effects."

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**LEAK, CONTINUED**

makes no distinction and establishes no criteria regarding the nature of the entity operating the drinking water system," Frahm wrote in a Feb. 1, 2004 letter. "The sole requirement, consistent with California law, is that the investment in the water system 'result in public benefits.'"

A document dated February 6 on the department's web site entitled, "Significant Changes to the Prop 50—AB 1747 Criteria Since January 14, 2004," states that "criteria have been changed to make all public water systems eligible to apply for grants (except for Chapter 6(b)), including private companies."

Health department spokesman Robert Miller denies that the letters have had any influence on the agency's decision-making process with regard to private water company access to Prop. 50 funds. What has guided the department's writing of its rules, says Miller, has been a legal opinion issued by the state legislative counsel—at Machado's request. The opinion, issued

February 27, states that because there's no specific section of Prop. 50 preventing funds from going to private companies, private companies are allowed to apply for projects that will help bring consumers better quality water.

"Our draft is based partly on [the legal opinion] and that as a public health issue, improvements in infrastructure improve the water the public consumes," Miller says. "But nothing definitive on Prop. 50 has come out yet."

Meanwhile, American States wants further changes to give it yet more access to the bond money. In a March 4 letter to David Spath of the department's Division of Drinking Water and Environmental Management, Frahm makes the case for her clients to have access to other Prop. 50 monies dealing with small communities and contaminant removal.

Nothing in the health department's draft rules contains the provision in Machado's bill barring private companies from using Prop. 50 money to enrich their profits.

Nonetheless, Machado, who believes the agency's rules will make his bill unnecessary, is confident there will be proper oversight.

"So as long as the PUC puts up the proper firewalls, we can address a key health and safety issue," he says.

But by making private firms eligible for bond money, California could be digging itself into a deeper financial hole, warns State Treasurer Philip Angelides. In a March 17 letter to Gov. Arnold Schwarzenegger, Angelides says that if the state exceeds federal limits on the amount of general bond monies that can be given to private corporations, it could cost the state's General Fund in additional, taxable bonds—bonds that cost significantly more because the money is borrowed at a higher interest rate. (Prop. 50 is a tax-exempt general bond, which allows the state to borrow the money at a lower interest rate.)

"The State should take no further steps down this path until fully addressing these concerns: costs to taxpayers, public benefits, and consistency with voter intentions," writes Angelides.

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**BIRDWATCH****SPOTTING KNOTS**

Among the half-million or more migrant shorebirds crowding San Francisco Bay's mudflats each spring, a knot can be hard to spot. But persistent birders may find a few northbound red knots, chunky mid-sized sandpipers with brick-red faces and underparts and mottled grayish backs. Between 1988 and 1993, the Point Reyes Bird Observatory tallied averages of 854 red knots in spring and 1,698 in fall, with the Hayward Shoreline a favored stopover. The knots are stoking up for the next leg of their journey, feeding on small clams and other bivalves, swallowed shell and all.

Where have they come from, and where are they headed? Scientists recognize five red knot subspecies, all far-northern breeders. California's migrants belong to the subspecies *roselaari*, whose summer headquarters is northwestern Alaska and Siberia's Wrangel Island. Brian Harrington, author of *The Flight of the Red Knot*, says *roselaari*'s winter range is "only speculatively known"—likely South America's Pacific Coast and the Sea of Cortez; maybe the Gulf Coast and Caribbean. Unlike the better-known knot that commutes from Patagonia up the

Atlantic Coast, *roselaari* doesn't winter in huge flocks, so it's hard to get a handle on numbers.

The birds that pass through the Bay Area fan out into the vastness of the Arctic. USGS biologist Bob Gill is revising the red knot portion of the Alaska Shorebird Conservation Plan. He says no knots have been confirmed nesting in the Arctic National Wildlife Refuge; some may breed in the adjacent National Petroleum Reserve, but not in the area that's being opened for drilling. Gill says population estimates for *roselaari* range from 20,000 to 150,000, with a probable current maximum of 50,000.

It could become critical to pin down those numbers. Harrington calls knots "a potential early barometer of the effects of climate change on highly migratory and vulnerable animals," in part because they concentrate at a few wintering and staging sites. The Atlantic-migrant subspecies *rufa*, whose wintering population has been halved since the 1980s, may be suffering from overharvesting of horseshoe crab eggs in Delaware Bay. The danger to their western relatives may be less immediate, but sea-level rise poses a long-term threat to their stopover spots.

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**CALFED  
SCIENCE  
CONFERENCE  
ABSTRACTS****DEADLINE:****FRIDAY, JUNE 4, 2004**

Organizers of the biennial California Bay-Delta Program (CALFED) Science Conference are looking for presentations in all four of the program areas: ecosystem restoration, system integrity, water quality, and water supply reliability. The conference theme is "Getting Results: Integrating Science and Management to Achieve System-Level Responses," and individuals are encouraged to submit abstracts on any appropriate topic.

Anke Mueller-Solger,  
amueller@water.ca.gov;  
David Schoellhamer,  
dschoell@usgs.gov

# PLACES TO GO & THINGS TO DO



## WORKSHOPS & SEMINARS

A P R  
14  
AND  
15  
WEDS & THURS

### WATERSHED EDUCATION LEGISLATIVE DAYS

**TOPIC:** Strategies for bringing watershed, wetland, and beach issues to legislators' attention.

**LOCATION:** Sacramento

**SPONSORS:** CalCoast, Southern California Wetlands Recovery Project & California Watershed Network

[www.calcoast.org](http://www.calcoast.org)  
[www.watershednetwork.org](http://www.watershednetwork.org)

A P R  
22  
THRU  
24  
THURS — SAT

### CALIFORNIA NATIVE GRASS ASSOCIATION ANNUAL CONFERENCE

**TOPIC:** Technical seminars, workshops, and field trips about protecting surface water quality, including work being done to establish native grasses, sedges, rushes, and other plants wherever surface flows might negatively impact water quality.

**LOCATION:** Modesto

**SPONSOR:** Cal. Native Grass Association (530)759-8458; [admin@cnga.org](mailto:admin@cnga.org)

[www.cnga.org](http://www.cnga.org)

A P R  
24  
SAT

### CNGA FIELD TRIPS (PART OF CONFERENCE)

**TOPIC:** See riparian restoration on the San Joaquin River; visit San Felipe Ranch, a working ranch that enhances wildlife habitat and restores and protects surface waters; or visit Great Valley Grasslands State Park, one of the few intact examples of native grasslands on the Central Valley floor.

**LOCATION:** Various Cen. Valley locations

**SPONSOR:** Cal. Native Grasslands Assoc. (530)759-8458; [admin@cnga.org](mailto:admin@cnga.org)

[www.cnga.org](http://www.cnga.org)

M A Y  
10  
THRU  
14  
MON — FRI

### ADVANCED AGING & SEXING OF PASSERINES WORKSHOP

**TOPIC:** Institute for Bird Populations biologist Peter Pyle will lead a week-long series of presentations, specimen studies, field mist-netting, banding, and processing, and field trips.

**LOCATION:** Various

**SPONSORS:** S.F. Bay Bird Observatory & Ventana Wilderness Society's Big Sur Ornithology Lab

Sherry Hudson (408)946-6548  
[shudson@sfbbo.org](mailto:shudson@sfbbo.org)

M A Y  
12  
THRU  
13  
WEDS — THURS

### STORMWATER TREATMENT: HOW IT WORKS (OR DOES IT?)

**TOPICS:** Pollutant removal, design criteria, performance, and maintenance.

**LOCATION:** Richmond

**SPONSOR:** Jensen Precast

Gary Minton [mintonrpa@cs.com](mailto:mintonrpa@cs.com)



## HANDS ON

A P R  
17  
SAT

### RIVER OF WORDS 2004 AWARDS CEREMONY

**TOPIC:** Honor and listen to this year's winners of the River of Words poetry contest. Author Malcom Margolin will emcee, and children's book author and illustrator Thatcher Hurd will present art awards.

**LOCATION:** San Francisco

**SPONSOR:** River of Words

[www.riverofwords.org](http://www.riverofwords.org)

A P R  
17  
SAT

### BERKELEY BAY FESTIVAL

**TOPIC:** Enjoy activities, music, boats, and information on exciting family outings and summer programs that provide a chance to learn more about the Bay environment and how to help it.

**LOCATION:** Berkeley Marina

**SPONSOR:** City of Berkeley

Patty Donald (510)644-8623

[www.ci.berkeley.ca.us/marina/marinaexp/bayfest.html](http://www.ci.berkeley.ca.us/marina/marinaexp/bayfest.html)

A P R  
30  
FRI

### INTERNSHIP OPPORTUNITY

**DEADLINE:** FRIDAY, APRIL 30, 2004

The National Marine Fisheries Service (NMFS) in Seattle is seeking interns to provide field and laboratory assistance for a project studying the importance of returning adult salmon carcasses as sources of nutrients to streams in the Pacific Northwest. Research experience in aquatic habitats and undergraduate coursework in biology and ecology are desirable.

Chau Tran (206)860-3216

[Chau.Tran@noaa.gov](mailto:Chau.Tran@noaa.gov); Kate Macneale

(206)860-3496 [Kate.Macneale@noaa.gov](mailto:Kate.Macneale@noaa.gov)

M A Y  
3  
MON

### CALL FOR ABSTRACTS STUDENT POSTER CONTEST

**DEADLINE:** MAY 3, 2004

Restore America's Estuaries seeks student projects and research for a Student Poster Contest at its 2nd National Conference on Coastal and Estuarine Habitat Restoration. Prizes will be awarded in planning and priority setting; best practices in restoration; science and technology; monitoring and evaluation; community involvement; and policy and funding.

Suzanne Giles (703)524-0248

[suzannegiles@estuaries.org](mailto:suzannegiles@estuaries.org)

[www.estuaries.org/Student%20Poster%20Contest.php](http://www.estuaries.org/Student%20Poster%20Contest.php)

M A Y  
7  
FRI & SAT

### INTERNATIONAL MIGRATORY BIRD DAY

**TOPIC:** A local celebration of migratory birds. Go on naturalist-led walks; see live animal presentations, magic shows, and more. Friday event is limited to adults and includes a night walk.

**LOCATION:** Don Edwards S.F. Bay National Wildlife Refuge, Alviso

**SPONSORS:** S.F. Bay Bird Observatory, Santa Clara County Audubon Society & S.F. Bay Wildlife Society

<http://desfbay.fws.gov/Tideline/IMBD.htm>

## NOW IN PRINT & ONLINE



### FLACK OVER FLICK

When Christopher Beaver premiered his documentary, *Tales of the San Joaquin*, at a Bay Institute fundraiser in February, the ensuing controversy took him by surprise. A showing in Fresno had to be cancelled, after pressure from ag interests in the Central Valley. Three Central Valley congressmen accused the filmmaker of failing to stress how agriculture benefits the state's economy, and demanded that he return the funding to CALFED. (CALFED spokespeople responded that the film meets the requirements of the grant—to show the river's history.) Others were annoyed that the film was shown at a fundraiser for the Bay Institute, one of several environmental groups suing the federal government to return more water to the river.

Beaver's 26-minute film describes the path of the San Joaquin River, from its origins in the Sierra near Banner Peak, to its blockage at Friant Dam (completed in 1949 by the Bureau of Reclamation), to its journey past Fresno and through places where, because of agricultural diversions it runs completely dry at times, to the Delta. It discusses efforts to revive the river, which once boasted the largest salmon run in the Central Valley, and the perhaps surprising activities of some of its early advocates—the farmers who lived along its edges. A small group of them sued BurRec to preserve flows in the river, but the court ruled that less than 10% of the river's flow would be allowed to pass the dam.

Beaver has taken the criticism with aplomb. "I think on balance the film is a fair statement; in many ways it's a gentle look at a very serious situation," he says. "There were a lot of things I couldn't investigate. For people coming to this issue anew or from the Valley, this is a first step, an overview. I was surprised at the negative reactions."

But he doesn't blame the farmers. "It's the water contractors who claim to speak for the farmers who are causing all the trouble," he says. "The farmers I talked to would like to see something done with the river other than have it dry up. The purpose of the film was to engage and educate the public, says Beaver. "On that basis alone, it has begun to achieve its goal."

Contact: [Christopher@CBFilms.net](mailto:Christopher@CBFilms.net) **LOV**

## TALKS CONTINUED

Ultimately the state and federal agencies, invited only as observers and not as participants in the UOP talks, are responsible for providing the assurances requested by the Delta parties. "So we quit talking," says Zuckerman.

Fortunately for the Central Delta Water Agency and others in the Delta, there are rumblings from inside the state capitol building that may at last portend a positive outcome for the Delta.

Machado has introduced SB 1155, which prohibits the increased pumping called for in the Napa Agreement, which called for additional capacity without addressing the issue of low flows in the upper San Joaquin River. By prohibiting increased pumping, the Machado bill would prevent yet more threats to the overburdened Delta's water quality.

"We're faced with limited resources to carry out CALFED, and proposals to move forward with the record of decision were not in accordance with the principles the

parties agreed to four years ago," says Machado. "We're codifying the provisions [of the ROD] with water quality as a necessary goal."

Needless to say, the bill—like the Napa Agreement before it—is meeting with mixed, if predictable, reactions.

Legislative officials report that the Machado bill has ignited a letter-writing campaign to end all letter-writing campaigns. Letters against the bill come from a "who's who" of State Water Project and Central Valley Project contractors, the sheer volume of which is "amazing." When asked for its reaction to the Machado bill, MWD officials directed ESTUARY to its web site, where a staff analysis determined that "This legislation is premature."

Supporters include the Delta parties, environmental groups like NRDC, and organized labor. NRDC's Nelson says the attention being paid to the concerns of the Delta is due to having friends in high places.

"[The dewatering of the San Joaquin] has been nagging the Delta for decades, and now [BurRec] has to deal with it

because Machado and Pombo [both from the region] have taken the lead," he says.

Another leadership change that is being heralded as a turning point for Delta interests is Governor Arnold Schwarzenegger's recent appointment of former CALFED executive director Lester Snow as the director of the Department of Water Resources. Snow has 25 years of experience in water resource management at all levels of government, as well as in the private sector, and his appointment is welcome in just about every corner of the water management picture.

Machado, who has a long working relationship with Snow, believes Snow will be the catalyst in moving Delta water quality improvement and CALFED forward.

"Lester is a known player with all parties, and he has a great deal of understanding both of the technical and emotional issues of CALFED and the Delta," says Machado. "He's the right person at the right time to move CALFED forward."

Contact: Tom Zuckerman (209)745-5537; Barry Nelson (415)777-0220 **KC**

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