

## Rodent Poisons on Pot Farms Are Killing and Sickening Wildlife

Rodent poisons on illegal marijuana farms are killing and sickening wildlife, and polluting streams, according to a study released in January by researchers at the University of California, Davis, and the California Academy of Sciences.

“We’re deeply concerned that there aren’t sufficient conservation protective measures in place,” said Mourad Gabriel of the UC Davis School of Veterinary Medicine and the lead author of the study. “There needs to be sufficient regulatory oversight to ensure that individuals partaking in this industry are also stewards of conservation and California’s natural environment.”

High levels of rodenticides were found in dead Northern Spotted Owls and Barred Owls found near marijuana grows in Humboldt, Mendocino and Del Norte Counties. The owls feed on dead rodents, ingesting the poisons in the rodent’s bodies. The poisons set off internal bleeding that leads to a slow and painful death.

Previously, the researchers had found rodenticides in the bodies of Pacific Fishers. Another state study found traces of the poisons in cougars, but in insufficient amounts to kill them.

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Delta Smelt

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## As Fish Populations Decline, the Feds are Planning to Ship More Delta Water South

BY STEPHEN GREEN

**I**n late December, the California Dept. of Fish & Wildlife reported its annual fall survey of Sacramento/San Joaquin Delta waters found only two Delta Smelt!

When the first survey was undertaken 50 years ago, this signature fish of the Delta numbered in the hundreds of thousands.

Several days after the survey’s release, the U. S. Bureau of Reclamation issued a regulatory notice announcing that they have begun to develop a proposal to “maximize water deliveries” from The Delta to San Joaquin Valley farms and Southern California water districts. State and federal regulations have “significantly reduced the water availability for delivery south of the Sacramento-San Joaquin Delta,” the notice said.

“I don’t know that they’re going to find a lot of extra water without doing violence (to the fisheries and ecosystems),” said Jay Lund, director of the University of California, Davis, Center for Watershed Sciences.

The Bureau seems to be following through on the pledge made by Donald Trump during a 2016 campaign stop in Fresno when he promised to ship more water to San Joaquin Valley growers. “It’s ridiculous where they’re taking the water and shoving

it out to sea...to protect a certain kind of three-inch fish,” Trump declared.

For decades, the Center for Watershed Sciences has been reporting on the decline and extinction of what once were 129 native California freshwater fishes — a decline that was greatly accelerated during the recent drought.

Every scientific study of the Delta has produced the same result: The only way to preserve the Delta’s health and water quality is to allow more fresh water to run through it. Those studies also have shown that what happens in the Delta also impacts ecosystems and fisheries in upstream rivers and creeks — including the American River.

The Delta is the largest estuary in Western North America. It is a transition zone where fresh and seawater coalesces making it especially vulnerable to environmental changes caused by shifting inflows and outflows.

Decades of southern diversions of the Delta’s fresh water have caused more brackish water to infiltrate deeper into the estuary, putting more stress on the Delta Smelt, *Hypomesus transpacificus*, the bellwether of the health of the estuary. But it also harms other species including shad,

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bass and trout.

Saltier water has contributed to a series of crashes in the Chinook Salmon population. Last year, 200 miles of the West Coast was closed to ocean salmon fishing to protect populations of Chinook. And the mammoth pumps that divert Delta water southward kill thousands of fish each year. In addition, the saltier water has reduced the productivity of Delta farms.

If more water is shipped south of the Delta, state and federal dams in Northern California will be increasing and changing schedules for water releases. That would undoubtedly cause more harm to fisheries and ecosystems.

For years, Save the American River Association has been working with government agencies to increase flows and temperature controls in the Lower American when fish are migrating to spawning areas. Some progress is finally being made in that area, but much more needs to be done. When the Folsom Reservoir was at record low levels in 2016, most upstream reservoirs were full. Dam operators on the river should be working together to maintain flow standards and temperature controls. But there is no coordination.

As the Bureau of Reclamation moves forward with plans to ship more water south, fishery and environmental organizations will be relying on existing laws and regulations to check the effort.

California and the federal government have enacted a suite of laws that protect water quality, ecosystems, and fish and wildlife. These laws generally function by constraining the exercise of water rights or the discharge of pollutants to protect a specific aspect of the environment.

Among the most important laws are the California Porter-Cologne Act and Federal Clean Water Act. Those statutes require the State Water Board and the Regional Water Quality Control Boards to develop water quality control plans for the state's principal river basins. The plans define water quality objectives and

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protect various uses, including fish and wildlife. To implement the plans, the boards can limit discharges of pollutants, and the State Water Board can place conditions on the storage and diversion of water by water-right holders.

Section 5937 of the California Fish and Game Code requires dam operators to release sufficient water to keep fish below the dam in good condition. This is a clear (but often ignored) legislative directive to release enough water to support healthy fish populations, not just to avoid extinction.

The Public Trust Doctrine protects the public's rights in navigable waters and their submerged lands. Traditionally, this included navigation, commerce, and fishing, but it was later expanded to include recreational uses, water quality, and protection of ecosystems. Water-right holders and water managers must protect Public Trust values, which can include protecting instream flows and water quality for fish and wildlife. The state and federal Endangered Species Acts also prohibit the "taking"—or harming—of species determined to be at imminent risk of extinction (i.e., listed as threatened or endangered) without a permit. Federal agencies are required to consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to

ensure that their actions do not jeopardize the continued existence of listed species or adversely modify their critical habitat.

Then there's the Central Valley Project Improvement Act signed into law in 1992 by President George H. W. Bush. It directs the Bureau of Reclamation to follow California environmental laws and it made restoring fish life a priority in San Francisco Bay and the Delta.

Bureau of Reclamation officials say they will seek input from stakeholder organizations as their plans are developed. Save the American River Association provided them with a study released last November by the Public Policy Institute of California entitled: "Managing California's Freshwater Ecosystems: Lessons from the 2012-16 Drought."

The study outlined three initiatives for managing California's water that "hold promise for improving ecosystem conditions and reducing conflict" among water users, regulators and environmental advocates.

- **Improve water accounting.** Drought management requires accurate and timely information about water use and availability and about likely environmental response to changes in water supply. But California's current tracking systems are neither timely nor transparent. To address these gaps, environmental water accounting and ecosystem monitoring systems need an overhaul.
- **Prepare for drought.** With a few significant exceptions, environmental water managers were unprepared for the environmental consequences of an extended drought, and were forced to make ad hoc decisions during a crisis. Developing watershed-level plans that set ecosystem priorities and identify trade-offs would help managers anticipate drought and drive implementation of habitat investments and water allocation. Annual watering plans that guide management under

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## Pot Farms

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Although the owls studied were from a three-county area known as the Emerald Triangle, Gabriel noted that rodenticides are being used extensively on pot farms statewide. With the legalization of marijuana sales as of last January 1, many more illegal grows have been planted.

Save the American River Association has urged state officials to step up policing of illegal grows in the American River watershed in Placer and El Dorado Counties. As of this writing, no initiatives have been launched.

Yuba County has banned pot farms. But in late December, the county Board of Supervisors declared state of emergency because of the environmental problems being caused a glut of new pot farms. In

addition to the pesticide use, the growers are degrading the environment, creating fire hazards and illegally diverting water, said Supervisor Randy Fletcher.

Illegal growers are "methodically targeting poor rural counties," Fletcher contended, because those places don't have the manpower to investigate and police cultivation. He urged Gov. Jerry Brown to commit manpower to help the Yuba County's sheriff investigate and police grow sites.

During the summer of 2014, 24 creeks went dry and some rivers were reduced to a succession of ponds. But despite the urgings of environmental and fishing organizations, the state made no inspections to determine if water was being illegally diverted.

The following summer, inspectors from the state Water Resources Control Board inspected Sproul Creek in Humboldt County which had gone dry the previous season. The board issued a news release saying "possible violations" were found at perhaps as many as 14 locations. In response, board officials issued "inspection reports to the property owners detailing any issues that need to be addressed."

In the years since, the state has done more inspections and confiscated plants at some illegal grow sites. But there has been no concerted effort to police the grows.

As Supervisor Fletcher noted, the state has all the laws and resources needed to deal with the problems fomented by illegal grows. He'd been able to schedule a meeting with state officials in late January to begin developing a strategy for dealing with the illegal pot grows in Yuba County.

In 1908, the California Supreme Court stated that the public is not to lose its rights



(to clean water) through the negligence of its agents, nor because it has not chosen to resist an encroachment by one of its own number, whose duty it was, as much at that of every citizen, to protect the state in its rights (*People v. Kerber*).

In 1983, the courts ruled that protecting the Public Trust is an affirmative duty, one that government cannot repudiate or deny. It is not optional, it is a mandatory duty. There, under the Doctrine of the Public Trust, governments have a fundamental duty of environmental stewardship to maintain and sustain natural resources amenities for the general welfare of our society (*National Audubon Society v. Superior Court*). ■

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different types of water years would better engage and inform water users.

- **Develop ecosystem water budgets.** Current methods of allocating water to support ecosystem health rely on minimum flow standards that are unevenly enforced and often insufficient during drought. Ecosystem water budgets, which allocate a portion of water to the ecosystem within watersheds, could enable more flexible and effective water management during dry times.

"Although state and federal agencies have important roles in implementing these reforms, negotiated settlement agreements involving water users, environmentalists, and other key stakeholders hold the most promise for initiating durable and effective new approaches," the study concluded.

The full study is posted on the institute's website: [www.ppic.org](http://www.ppic.org) ■

## A Pot Story

Several years ago, an El Dorado County deputy sheriff was patrolling back roads when he spotted a marijuana grow.

He stopped his car. But when he opened the car door, the pot farmer sicced his pit bull on the deputy.

The deputy opened the rear door of his car, and the dog jumped in. It apparently thought it was going for a ride.

Well, it did. And so did the grower. Both were driven to the county jail. ■



## How the American River Got its Name

Most rivers have been given name changes throughout history as people from various cultures made contact with them. The American River is no exception, but history is a bit murky as to how it got its current name.

In pre-history, the Nisenan people were the dominant tribe along the Lower American where they used its resources for food, shelter, clothes, baskets and other goods. They built their homes above the flood plain and marshes along the river and called it *Kun Mayo* which means Roundhouse River.

In the early 1800s, Spanish explorer Gabriel Moraga and his troops ventured into the Central Valley in search of Native Americans who had escaped from missions along the coast and others who could be taken to the missions to become laborers. Moraga and his forces encountered extreme hostility from the Native peoples.

By the time they reached the American River, Moraga's expedition was failing. He named the river *Rio de las Llagas* or River of Sorrows. But another member of the expedition recorded the name as *Rio de los Lagos* or River of Lakes for the pools of water that lined the riverbanks.

In the 1820s, Jedediah Smith led a group of trappers to the Sierra Nevada in search of a safe route across the mountains. Their first attempt took them as far as the South Fork of the American River, but they could go no

further. They did manage to cross through what is now known as Ebbetts Pass to the Stanislaus River, becoming the first Americans to reach California by land.

Mexico had recently gained independence from Spain and took control of California. The Mexicans did not welcome the American trappers.

Gov. Jose Maria Echeandia had Smith arrested and questioned him intensely for several weeks about whether he was the vanguard or an American attempt to drive Mexicans out of California. Smith eventually was released and told to return by the same route he came or face execution. Smith and his companions moved into the Central Valley and continued their trapping, mainly for beavers.

Historians believe that they spent the winter of 1826-27 in what is now the Campus Commons area on the American River. Throughout their time there, tensions with the native people escalated. At one point, Indians surrounded the trappers and, thinking their guns were just big sticks, were about to attack when the trappers opened fire. Smith said he thought the American should be named Wild River since they had seen "Indians by hundreds but wilder than antelopes running and screaming in every direction."

Historians say Indians who had some

command of Spanish because of their mission experience began calling the river *Rio de los Americanos* or River of the Americans. Others claim that when Mexicans learned Americans were in that area, they named the river *El Rio de los Americanos* in hopes that the trappers would stay there and not cause trouble in their coastal settlements.

Smith visited the American again in 1828 and then went north to Fort Vancouver, the western headquarters for the Hudson's Bay Company. Trappers there were impressed with the beaver pelts that Smith and his men brought with them. By 1834, at least ten parties of Hudson's Bay trappers had journeyed south to the Central Valley rivers to kill beavers. They brought with them measles, smallpox and malaria for which the Indians had no immunity. Historians estimate that up to 70 percent of the Nisenans died from the diseases.

Russians from Fort Ross on what is now the Sonoma County coast also trapped in the Central Valley. They called the American River *Rio Ojotska* or River Hunter.

In mid-August 1839, Swiss-German entrepreneur Johann Augustus Sutter landed on the Lower American with several followers, his ten Hawaiian "helpers" and perhaps a bulldog. He established his New Helvetia settlement near the banks of the river they were soon calling the American. ■



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### In Memoriam

Save the American River Association has received donations honoring the memory of the following friends:

**Frank Cirill**

**Bill Dillinger**

**David Mitchell**

Save the American River Association frequently receives donations in memory of lost loved ones, many of whom were users and supporters of the American River Parkway. Some donors give names. Others prefer to remain anonymous. SARA notifies family members when donations are made. The money is used to further SARA's advocacy work on behalf of the Parkway. Contributions may be made by check or online via SARA's website. **SARA also has a Legacy program. For information on the program, please call the SARA office (916) 936-4555. ■**

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

## Scrub Jays are Expanding Oak Groves

With its squawking call of *zbreek zbreek*, the California Scrub Jay is hard to miss. The Scrub Jay *Aphelocoma californica* is one of the most commonly seen birds in Central Valley yards, parks and woodlands.

Some regard it as a “trash bird” because of its scolding call. But studies suggest it’s one of the most intelligent birds found in the area and credit it with helping the reforestation of oak woodlands.

The Scrub Jay is one of only three bird species that plant trees, the others being the Steller’s Jay *Cyanocitta steller* and the Yellow-billed Magpie *Pica nuttalli*.

According to a 2006 study, Scrub Jays follow a complex strategy for caching acorns. Their strategy reveals an ability to plan for the future, a trait previously found only in dolphins and primates. They gather about 5,000 acorns in a season and bury them in the ground. But they only retrieve about half of the acorns. Some will sprout and grow into seedlings. If conditions are favorable, some seedlings will become full-grown oaks over time.

In addition, Scrub Jays tend to cash their acorns upslope from the oaks in areas where the acorns normally would not fall from trees. Ornithologists call them “upslope planters” – work that helps expand the oak groves. In the Central Valley, where only five percent of the oak woodlands remain, the Scrub Jays are performing a great service.

Scrub Jays have bright blue plumage, a gray saddle on their backs and white undersides. They range from 10-to-12 inches in length and have a wing span of up to 15 inches. Their bills are heavy and hooked, ideal for prying upon acorns.

Males and females build nests together, interlacing them with twigs and lined

*They gather about 5,000 acorns in a season and bury them in the ground. But they only retrieve about half of the acorns.*

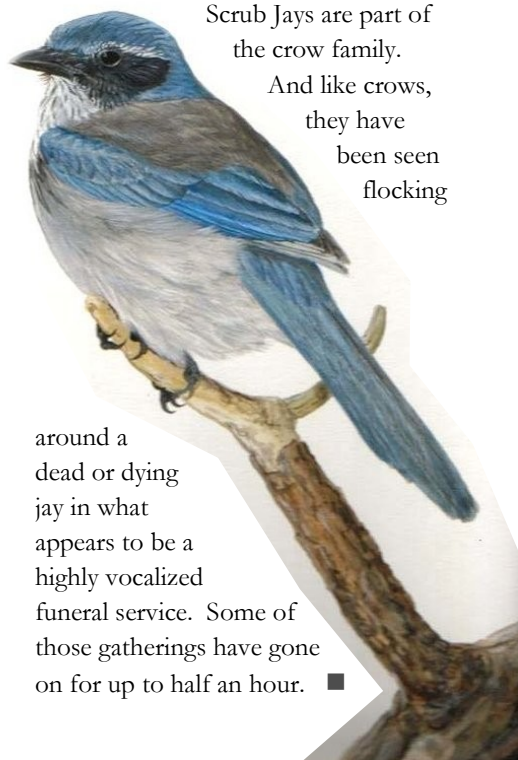
with string, horsehair and other soft materials. The female normally lays three-to-six eggs and incubates them for up to 17 days. Both parents feed the chicks until they leave the nest in 18-to-19 days.

They feed on acorns and other nuts, fruit, insects, bird eggs and other nestlings.

Scrub Jays are aggressive and very territorial. They range from British Columbia down to coast into Baja California, and west of the Cascade and Sierra Nevada Mountain Ranges.

Scrub Jays are part of the crow family.

And like crows, they have been seen flocking



around a dead or dying jay in what appears to be a highly vocalized funeral service. Some of those gatherings have gone on for up to half an hour. ■

## Support County Parks — Buy An Annual Pass

The Pass pays for itself in 10 visits and all funds go directly towards maintaining and operating the 15,000-acre system. For as little as \$50 per year, you can have unlimited access and parking in the parks.

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### Pass Fees Are Based On Use:

Vehicle:	\$50
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Vehicle + Horse trailer:	\$75
Vehicle and small watercraft:	\$80
Parks supporter pass*	\$50

*\* This pass is for those who want to support Parks but do not drive to Parks facilities*

### Where to Purchase Your Parks Pass

- Online through the Sacramento County Web site [www.regionalparks.saccounty.net](http://www.regionalparks.saccounty.net)
- At REI stores in Sacramento, Roseville and Folsom
- Patriot Cycles in Fair Oaks
- Effie Yeaw Nature Center at Ancil Hoffman Park
- Regional Park offices and park kiosks
- American River Parkway Foundation Office at the William B. Pond Recreation Area ■



## Recycling Plastic Caps

Americans are now buying more than 12 billion gallons of water in plastic bottles each year. That's billion with a B.

The bottles can be recycled, though many are not. But the plastic caps – they litter our streets, parks, beaches and ball fields. Some get ingested by wildlife and dogs.

Technology exists to tether the caps to the bottles so they can be recycled along with the bottle. In fact, one bottler, CG Roxane that sells Crystal Geyser water now produces tethered bottle caps at its California and Texas plants.

Assembly Member Mark Stone, D-Monterey Bay, has authored legislation that would prohibit a retailer, on and after Jan. 1, 2020, from selling or offering for sale a single-use plastic beverage container with a cap that is not tethered to or contiguously affixed to the beverage container. The bill number is AB 319.

Please write your state legislators and urge them to vote for AB 319. ■



## BOOK REVIEW

150 FREQUENTLY SEEN BIRDS OF CALIFORNIA'S GREAT VALLEY, Published by American River Natural History Association. \$14.95

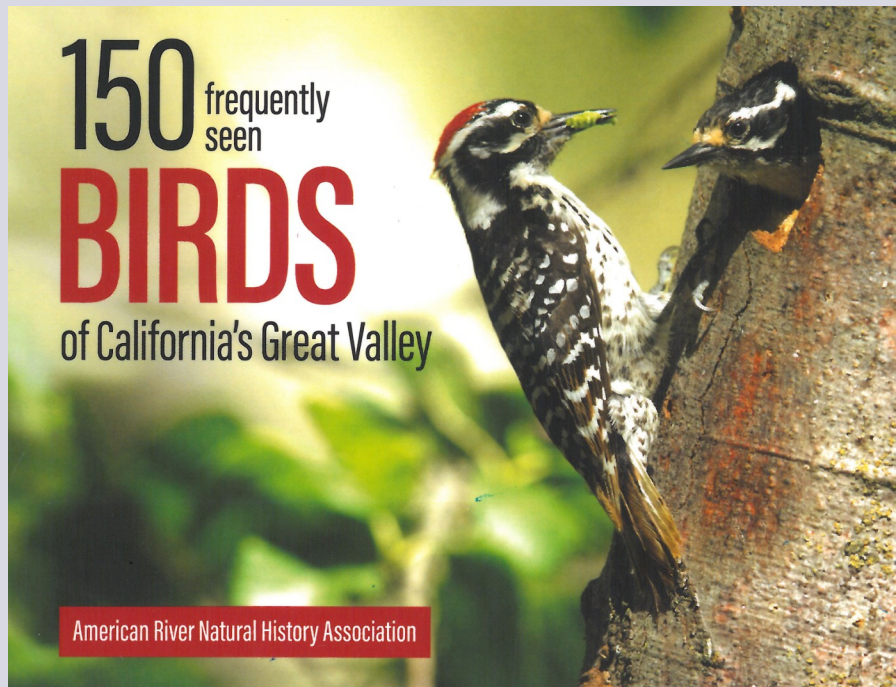
This is an excellently researched and illustrated field guide to birds most commonly sighted in the Central Valley. Students, families and birders will appreciate the insights and descriptions therein.

It fits easily into a backpack or auto glove compartment, and also contains a checklist.

Eight photographers and more than a dozen writers and illustrators contributed to this book.

Proceeds from the sale of the book benefit American River Natural History Association programs and the Effie Yeaw Nature Center.

Copies may be purchased at the Nature Center or online at [www.sacnaturecenter.net](http://www.sacnaturecenter.net).



*"Of all the paths you take in life, make sure a few of them are dirt."*

**JOHN MUIR**



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