

Sacramento Seeks to Expand Sutter's Landing Park

The City of Sacramento is seeking a \$2 million grant from The Lower American River Conservancy to acquire vacant property west of Sutter's Landing Park.

If the grant is approved, the city would add the land to the park and restore native habitats along the southern banks of the Lower American River, create additional access to the Parkway for residents of two disadvantaged communities and other communities, and expand the Two River Trail.

The acquisitions would provide increased access to the American River for anglers, hikers, bicyclists, birders and other visitors in the heart of the urban area.

Sutter's Landing Park covers 183-acres of city-owned land adjacent to the Parkway. The city is seeking to acquire four parcels west of the park – 65 acres owned by private landowners and 19 acres owned by the Sacramento Municipal Utilities District. The city has had

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Illegal campsite by the American River. Photo by George Nyberg

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A Court Ruling Legalizes Camping in Public Places

BY STEPHEN GREEN

In early September, the 9th Circuit Court of Appeals ruled that the Cruel and Unusual Punishments Clause of the Eighth Amendment to the U.S. Constitution precludes enforcement of any local ordinance that prohibits people from sleeping in public places when they have no other access to shelter.

Rangers for the Sacramento County Regional Parks Department immediately stopped issuing misdemeanor citations to people camping in the American River Parkway. Officers in most cities, counties and parks did the same in the nine Western States and two Pacific Islands where the 9th Circuit has jurisdiction.

Officers continue to issue citations for violations of other ordinances such as those that prohibit littering, fires, off-leash dogs, and firearms possession. But they can't force campers to move out of a public place when they have no other option to bed down in a safe shelter.

A one-night census last year found 3,665 homeless people in Sacramento County – a 30 percent increase from 2015. Many people believe the number is far greater. In addition, there are homeless people in West Sacramento, Roseville, El Dorado Hills and The Delta.

But only a few hundred sheltered beds are available on any given night in Sacramento County and there are even fewer during the warmer spring, summer and fall months.

Between January and August, county park rangers issued 741 citations to campers or an average of 21 per week. There were 127 misdemeanor arrests and 54 felony arrests.

During the same period, 3,332 camps were removed along with 1,228 tons of garbage. County crews and volunteers continue to clean up tons of trash and human feces at campsites in the Parkway and tributaries of the American River.

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Join us for the 2018 SARA Annual Meeting

SATURDAY, DECEMBER 1, 2018 | 9:30 AM

EFFIE YEAW NATURE CENTER IN ANCIL HOFFMAN PARK

- Lunch will follow a presentation by *Roots of Connection's* Guy Galante: **Coyote Coexistence Plan** — practical techniques to safely coexist and better understand wildlife that lives around you.
- Election of SARA's **2019 Board of Directors**.

Court Ruling

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The ruling was issued in a case called *Martin v. City of Boise* (Idaho). The court's three-judge panel unanimously overturned a district court decision in favor of the City of Boise in which homeless people challenged two city ordinances that barred them from staying overnight on public property. The plaintiffs/appellants were six current and former Boise residents who were homeless. The city has asked the judges to reconsider their ruling. If that fails, city officials plan to appeal the case to the U.S. Supreme Court.

"There are still a lot of unanswered questions," said Michael Doane, chief ranger for county parks. "Other cases are moving forward to further define what we can and can't do. Who knows how long that will take?"

In a similar case in Southern California, the court ruled that local jurisdictions

can't prevent people from sleeping in public places. But the court added: "... nor do we suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular time or in particular locations might well be constitutionally permissible."

In the meantime, Doane is working with the county counsel to determine what other laws and ordinances may be applicable to deal with the problems.

At a mid-October meeting of the Sacramento County Board of Supervisors, a representative of Save the American River Association pointed out that campers and their waste and fires have destroyed critical wildlife habitat in the American River Parkway and creeks that feed the American River.

Supervisors directed the county counsel to look into the possibility of developing an ordinance that would ban camping in areas where there is critical wildlife habitat.

SARA has worked with other environmental groups to identify more than 220 bird species in the Lower American River Basin including 43 nesting species. There are 30 mammal species, 43 river species and 17 land-based reptile species.

There also are 23 species defined by law as endangered, threatened or of concern including Swainson's Hawk and the Great Horned Owl. None of those species could exist without appropriate habitat and their protections from state and federal laws.

Supervisors directed the county counsel to look into the possibility of developing an ordinance that would ban camping in areas where there is critical wildlife habitat. SARA contends that would include the entire American River Parkway.

At the same meeting, supervisors voted unanimously to declare that an emergency homeless shelter crisis exists in the county. The action allows the county to work with the City of Sacramento to apply for at least \$20 million in new state funding to deal with the problems.

The money would be spent to expand emergency service and housing programs for homeless people including a new triage shelter. Among elected officials, however, there is considerable disagreement on how to best spend the money. ■

Sutter's Landing Park

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discussions with two of the private landowners, Blue Diamond Growers which has 19 acres, and the Deller Trust which has 28 acres.

Save the American River Association (SARA) sent a resolution to the Conservancy urging prompt action to approve the grant. The city's plans for the added land are completely consistent with the goals of the American River Parkway Plan:

"To provide, protect and enhance for public use a continuous open space Greenbelt along the American River extending from the Sacramento River to Folsom Dam."

"To provide appropriate access and facilities so that present and future generation can enjoy the amenities

and resources of the Parkway which enhance the enjoyment of leisure activities."

George Nyberg, a member of the SARA Board of Directors, produced a video on the proposed park expansion. A link to the video was included in the city's application for the grant.

The Conservancy was created by legislation authored by Assembly Member Kevin McCarty, D-Sacramento, in 2016. It currently has nearly \$11 million available for grants for land acquisition, projects and habitat restoration on the Lower American River.

McCarty sent a letter to the Conservancy endorsing the city's application and said it should be given "a top priority for funding." ■



Cigarette Butts Release Toxic Chemicals into the Environment

People who take part in clean-ups on the American River Parkway generally agree that cigarette butts are among the most common types of trash they retrieve.

Butts are strewn along the bike trail. They are found in picnic areas, parking lots, fishing hangouts and camp sites among other places. Streams and storm drains carry them to the river where some wash up on banks or hang-up in aquatic plants. Birds use them to build nests and animals eat them. Fires along roadways and trails are frequently attributed to butts flicked from passing vehicles. Park rangers can cite people who throw away their smokes. But they have to catch them in the act.

Most butts are made of a type of plastic called cellulose acetate and are laced with chemicals. Laboratory tests have found that they are highly toxic and the chemicals can leach out when butts are in water or saturated by rain.

One study in 2011 found that a single butt in a liter of water can be lethal to a fish. Another study found unsafe levels of microfibers from butts in Bay Area anchovies and topsmelt.

To date, no studies have determined the impact on animals that ingest microfibers. Thomas Novotny, professor of epidemiology and biostatistics at San Diego State University, has said that “the precautionary principle says that even

without specific data or proof of a health hazard, you can assume contamination is happening because of the fact that you have toxic chemical coming out of cigarette butts and entering our water...Even if the toxicity isn't an issue, the plastic fibers never completely go away.”

Information campaigns have been launched in an attempt to convince people to “Hold-On-To-Your-Butt.” But they seem to have had little impact to date.

Cans have been installed in beaches and parks to collect butts, but discarded butts are often found within a few feet of them. A study in the Bay Area concluded that some three billion butts are randomly discarded yearly. Even if that figure is twice the actual number, the butt waste is significant.

Gov. Jerry Brown recently vetoed two bills that would have banned smoking at California parks and beaches. The measures, which also would have banned smoking marijuana and the use of electronic cigarettes, were proposed by legislators to protect public health from second-hand smoke, prevent wildfires and reduce litter.

Brown said the \$100 fine proposed by the bills could reach \$485 when court assessments are added. “If people can't smoke even on a deserted beach, where can they?” Brown asked in his veto message. “There must be some limit to the coercive power of government.” ■

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.

Pass holders receive free daily entry into Regional Parks and annual passes are valid for one year from date of purchase.

Pass Fees Are Based On Use:

Vehicle:	\$50
Vehicle + Trailer or oversized vehicle (over 22 feet):	\$100
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 American River Parkway Foundation Web site <http://arpf.org/visit/>
- 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 ■

One study in 2011 found that a single butt in a liter of water can be lethal to a fish.

New SARA Board Member

JEFF MILLER

Jeff Miller has lived next to the American River since June 2015 and is excited to help SARA protect the river and Parkway.

Jeff is a policy analyst at CSG West, the western office of the Council of State Governments. CSG is a national, bipartisan organization that provides state legislators with opportunities to learn from policy experts and one another, and to work together on issues of regional importance. Jeff provides staff support to three policy committees composed of legislators from the thirteen western states, including the Agriculture & Water Committee.

Jeff also staffs the Legislative Council on River Governance, a small group of legislators from Idaho, Montana, Oregon and Washington who come together to discuss the common challenges and potential solutions for the people living and doing business in the Columbia River Basin.

Before discovering his passion for water issues, Jeff worked for many years in education and youth development. Jeff served as a service-learning and civic education consultant for the Colorado Department of Education, the Colorado Campaign for the Civic Mission of Schools and the Governor's Commission on Community Service in Colorado, and started an interesting but ultimately unsuccessful business providing training to organizations seeking to engage youth in decision-making.



Before that, he worked as a policy analyst at the Education Commission of the States and as the Service-Learning Coordinator for the Wisconsin Department of Public Instruction.

Jeff has served on a number of local and state-level boards, including the Wisconsin National and Community Service Board, the steering and executive committees of the Colorado Campaign for the Civic Mission of Schools, and Community Resources, Inc. in Denver, where he also served as 2008-10 vice president. Jeff founded the Colorado Youth Leadership Network and was a co-founder of the

Minority Achievement Coalition in Madison, Wisconsin, the Wisconsin Rural Challenge and the Colorado Civic Canopy.

Jeff has a B.A. degree in International Relations from the University of California, Davis, and an M.A. degree in Educational Policy Studies from the University of Wisconsin. ■

SARA Membership Donations *July — September 2018*

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Linda & Vince McDonald	
Richard DeTar & Nancy Mead	
Jeff Miller	

SARA appreciates the support of our generous members. Without your support, SARA would not be able to continue our role as *Guardians of the American River and Parkway since 1961*. New and renewing members are listed in *RiverWatch* according to their preference (indicated on the SARA membership/renewal form).

In Memoriam

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

William B. Pond

Robert Presley

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. ■

Do Something Good and Lower Your Taxes

Save the American River Association supporters who are more than 70-1/2 years of age and have an individual Retirement Account (IRA) can make a Qualified Charitable Distribution (QDC) directly to SARA (or any qualified charity) and have it count as part or all of their Required Minimum Distribution for the year.

The QDC can be up to \$100,000 and it does not increase the IRA owner's adjusted gross income for tax purposes, as long as the distribution is made directly from the owner's IRA administrator and tax advisor. If you decide to make a QCD, consult with your IRA's custodian. ■

"When deciding to make contributions to qualified organizations, my husband and I found it to be advantageous to transfer money directly from an IRA to a charitable organization. Although we can't use such contributions as a tax deduction, we also don't have to count the withdrawal amounts as income. We think it is a "good deal" and have been using this tax rule since we reached the qualifying age."

**MARY BETH METCALF
SARA BOARD MEMBER**

BOOK REVIEW

"A GREATNESS OF SPIRIT: TALES OF EXTRAORDINARY RANGERS AT THE HEART OF CALIFORNIA'S STATE PARK SYSTEM"

BY DAVID VAN CLEVE

\$19.95 PAPERBACK

State Park rangers are guardians of people, wildlife and the natural resources in our parks. They are cops, stewards, storytellers, interpreters and scientists. They spend their days – and many nights and weekends – in the great outdoors in some of the most beautiful areas on the continent. And many don't want to climb the career ladder in the parks department. They want to stay in the field and be part of the park environment that they treasure.

A Greatness of Spirit describes the work and accomplishments of 14 rangers who have led extraordinary careers in California parks.

They include Janet and Dave Carle whose scientific knowledge of Mono Lake and its environs enabled them to play a key role in the landmark legal action that stopped water diversions that were destroying the lake.

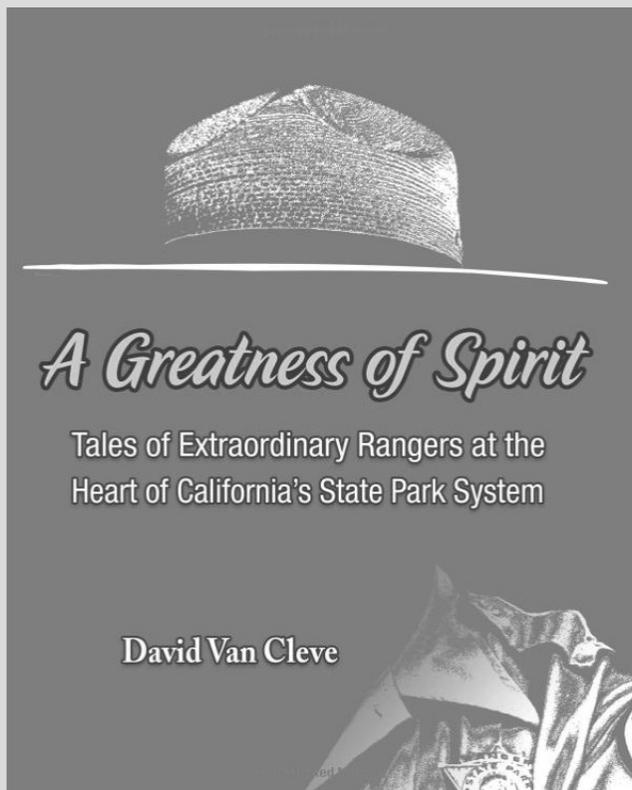
student how Coast Miwok Indians made tools, prepared food and engaged in tribal governance.

Bill Deitchman was the whitewater river ranger at Auburn State Recreation Area where he worked to provide boaters, rafters and swimmers with a safe and fun experience.

And Dan Winkelman, who now serves on the Save the American River Association Board of Directors, provided security and programs at several parks. He promoted parks with the help of a San Francisco Chronicle cartoonist who chronicled Winkelman's run for president in 2000 on the Peace and Quiet Party ticket.

The author is David Van Cleve who spent nearly 32 years in the state park system as a ranger, park ecologist and park superintendent. He has produced an interesting and

well-written tribute to people who follow the philosophy that Parks Are For People. ■



Carlos Porrata delivered environmental living programs to more than 17,000 fifth-graders at Tomales Bay State Park. He taught

State Park rangers are guardians of people, wildlife and the natural resources in our parks. They are cops, stewards, storytellers, interpreters and scientists.

White-tailed Kites Thrive on the Parkway

One of California's most beautiful birds of prey is a common site on the American River Parkway. The White-tailed Kite, *Elanus caeruleus*, is pale gray with a white head, underparts and tail. They are falcon-shaped with long, pointed wings and a white tail. They tend to be 15-to-17 inches in length with a wingspan of 42 inches.

Kites tend to forage in open grassland, open meadows and wetlands.

As they hunt, they may hover 80-or-more feet above the ground with their head facing the wind, flapping wings – a behavior called kiting. When prey is spotted, kites drop straight down with wings up and talons out. Their calls can vary, but most often is a whistling yelp.

They prey mostly on voles and other small, diurnal mammals. But they occasionally go after other birds, insects, reptiles and amphibians.

Kites tend to use tall trees with dense canopies for cover. They make a nest of loosely piled sticks and twigs lined with grass. They perform ritualized courtship in which a male offers prey to a female. In an often spectacular aerial exchange, the female flies up to meet the male, turns upside-down, and grasps the prey.

Large concentrations are usually seen in the William B. Pond Recreation Area and Sailor Bar.

They tend to nest anytime from February through August and sometimes two broods are reared. The female incubates the eggs for about 28 days and the young fledge in 35-40 days. During the incubation and nesting period, the

male feeds the female and the young. The adults may or may not pair up in successive nesting seasons.

Kites have a range from Washington State to the Gulf Coast and Mexico and also are found as far south as Argentina and Chile. In California, their range is along the coast and the Central Valley. They are generally not territorial. When the breeding season is over, dozens tend to roost in neighboring trees. Large concentrations are usually seen in the William B. Pond Recreation Area and Sailor Bar.

In the 1920s and 30s, California's kite population plunged due to hunting and habitat loss. The state legislature responded by banning hunting and the species has made a recovery. But the population is still less than it was a century ago. ■





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My gift to SARA is a: *(Please indicate with an "X")*

- Renewal New Membership Non Membership Donation
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May we publish your name as a SARA member in a future *Riverwatch* issue?
(Contribution amount will not be included) Yes No

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Insert credit card info below or go to our secure Web site to donate — www.sarariverwatch.org.

The following membership categories are suggested: *(Please circle your choice)*

\$10-\$24	Student	\$25-\$49	Regular
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