

# RIVERWATCH

**SARA - SAVE THE AMERICAN RIVER ASSOCIATION, INC.**

VOLUME 47, ISSUE 1

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SPRING - 2008

## SARA LOSES MARKIS USE APPEAL

by Warren V. Truitt, President



On February 13, 2008, SARA appeared before the Sacramento County Board of Supervisors to present our Appeal of the County Project Planning Commission's 4-1 decision to approve the Markis Use Permit, with a 35-foot setback.

The Parkway Corridor Combining Zone (PCCZ) calls for a 75-foot setback in that area. Willing to compromise, SARA supported the 50-foot setback recommended by County Planning, trusting this could provide just enough space to adequately screen the two proposed large houses from visual intrusion into the Parkway.

*For the privilege of appealing, SARA had to pay a \$5,000 fee.*

For the *privilege* of appealing, SARA had to pay a \$5,000 fee. The Supervisor's final vote was 4-1, to support the decision of the Planning Commission. Don Nottoli's was the only vote supporting SARA's position.

SARA, and our partners in the Parkway stakeholder community, were not only disappointed with the Board's 4-1 decision to deny our Appeal, but SARA found it necessary to submit a letter outlining reasons for our extreme displeasure with the process used by the Supervisors in the handling of the Appeal.

Our Appeal was based on the deep and sincere belief that SARA had, and has, bona fide reasons to contest the approval of the Use Permit as approved by the Project Planning Commission.

*It took a major effort to raise \$5,000*

It took a major effort to raise \$5,000 dollars to have the right to bring our concerns to the attention of the Board of Supervisors for an impartial, fair and objective consideration. In our opinion, the Board's hearing on our Appeal was not fair, impartial or objective.

The matter before the County Board of Supervisors was SARA's Appeal. Since SARA was required to pay an outrageous fee for the privilege of presenting our issues to the elected stewards of the Parkway, we were entitled to present our case before an impartial Board.

We were offended that the project proponent was allowed to first: interrupt SARA's Appeal, and; second: to spend an insulting and outrageous amount of time once again going over information unrelated to the basis of our Appeal.

The preliminary information offered by the applicant's expert witness and attorney was not pertinent to the Appeal specifics, and their combined presentation took so long that many of SARA's supporters had to leave and were not able to give their testimony. *Essentially, SARA was disenfranchised.*

(see page 3)

## Editor's Corner

by Elke Guenter, Editor

As is apparent from Warren's article, money, greed and power have triumphed once again over the common good!

One of the earlier arguments by the proponents of this project was that the property involved was, after all, private property and that the owners had every right to do with it as they pleased, although a special use permit is required.

That line of thinking leads me to imagine, in my wildest dreams, what would happen if, let's say about half of all the property owners decided to go down that same road. Quite unimaginable!!! But after all, isn't it all property owners' inalienable right to do as they please with their very own properties, regardless of existing rules and regulations? Isn't that why we have mechanisms in place to circumvent these regulations?

On another note, Markis et al plus four of our five Supervisors would like us to believe that these enormous structures could be adequately screened with only a 35 ft. setback — an impossibility by any stretch of the imagination! And one added factor—never in a million years would I believe that the occupants of these huge homes would be content to look in to a grove of trees, even if it were possible to produce an instant, viable forest. The Parkway is a beautiful, natural space because of public dollars and a phenomenal amount of public effort.

### IT IS A PUBLIC INVESTMENT FOR THE BENEFIT OF ALL.

I have included Felix Smith's article on The Precautionary Principle to provide different food for thought & because you will be hearing more about it. The concepts have appeared in several publications and on a recent PBS program as well.

Please make note of The Chroma Gallery annual fundraiser for SARA. We feel both proud & honored that the Gallery has chosen us again! Also, the 2<sup>nd</sup> Annual American River Half Marathon happens on May 3. The proceeds will again benefit the Parkway. It is the only event of its kind, as far as we know, where walkers & runners take off in opposite directions.

## Half Marathon to benefit American River Parkway

The 2<sup>nd</sup> Annual American River Parkway Half Marathon will take place on May 3, 2008 with the start and finish at William Pond Park.

Start times are as follows:

Walkers:-----7:15 a.m.

Runners:-----8:15 a.m.

5k race-----8:30 a.m.

These are two separate, fully supported, USATF certified courses—one just for runners and one just for walkers—in the opposite directions.

This race will again benefit the American River Parkway, the nation's longest, continuous wild and scenic riparian parkway in a major metropolitan area.

Besides an awe-inspiring, uplifting experience, all participants will also receive the following: a technical T-shirt, a medal, a post-race lunch, ice-cold bottled Gatorade or bottled water after the race and ice-cold water at aid stations.

Live music will also be heard along part of the course. To quote their website: "Both courses feature scenic routes that wind their way through forests of majestic old-growth oaks teaming with wildlife, pass through meadows bursting with golden poppies and traverse isolated dells and wide open fields carpeted with green as far as the eye can see." For more information please visit their website at:

[www.parkwayhalf.com](http://www.parkwayhalf.com)

### *IT'S AN EXPERIENCE NOT TO BE MISSED!!*

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PUBLISHED 2 TO 4 TIMES YEARLY

SAVE THE AMERICAN RIVER ASSN., INC.  
P.O. BOX 277638  
SACRAMENTO, CA 95827-7638

*No American should go through life -  
without knowing a river, some river,  
and the wilder the better.*

*Wallace Stegner*

Markis Use Permit Appeal, from page 1

During the presentation by the County Planning staff and the geologist who worked both for the project proponent and the County, at no time was there any expression of concern, or questions posed by the Supervisors, about the legitimacy of the arguments made by citizens over the aesthetic impacts of the proposed project and how the Parkway was being incrementally degraded by development on the bluffs.

Instead, some Board members used the hearing to criticize SARA for having chosen this particular Use Permit to "draw a line in the sand."

The Board did not seem to be well informed about the American River Parkway Plan's policies, the objectives of the American River Parkway Combining Zone (PCCZ) and the serious inconsistencies that have taken place between the Parkway Plan, the zoning and the actual development on the bluffs.

It is difficult to accept that the Board believes it is possible to construct dwellings with a 35-foot setback from the bluff's edge and still be able to adequately provide a vegetation screen to prevent visual intrusion into the Parkway. The PCCZ was established, in part, in reaction to blatant visual intrusions into the Parkway. As SARA's PowerPoint presentation made clear, there are many houses along the Parkway whose owners have not met the spirit and intent of PCCZ requirements.

Some Supervisors expressed surprise and concern about these violations. Invigorated by these comments, SARA intends to facilitate the Supervisors' ability to bring these houses into compliance. In fact, the Supervisor's have subsequently instructed County Parks to review and address houses not in compliance, starting with those highlighted in SARA's presentation.

We have been told that each of the use permits that come before the County are reviewed on a case-by-case basis, and are not intended to establish a precedent. Unfortunately, since so many property owners have violated the PCCZ requirements, they have established a precedent - a *bad* one - allowing

new applicants to assume that they too may circumvent the zoning code, because others preceding them successfully did.

Immediately following the Supervisor's vote, SARA began receiving telephone calls, e-mails and letters - as well as significant contributions - all messages expressing shock and outrage that the elected officials responsible for the protection and preservation of the Parkway once again opted to side with an individual applicant seeking to significantly enhance their view and property value to the detriment and disregard for the most beautiful and important natural asset in the County of Sacramento.

SARA agrees that a property owner should be able to build on their property - as long as they meet all codes and regulations governing placement and structure.

*However, we find it completely unacceptable* that the Board demonstrates by its actions in this matter that it fully intends to take on the role of planner and architect in any and all such future requests - and there will be many - that come to their attention. The County's demonstrated lack of commitment to the Parkway is deeply disturbing to all who love the Parkway and enjoy it as an integral part of their lives in this community.

SARA's letter conveyed to the County Board of Supervisors our sincere belief that the Parkway cannot continue to be a precious natural resource known and respected nationwide without the dedication and focus of the County authorities in alliance with the Parkway stakeholders.

Disenfranchising organizations like SARA who care dearly about the Parkway while granting preferential treatment to a private party demonstrated to the community too much of what Sacramento voters *already suspect* .....  
.....*that*.....

*the level of respect for the Parkway is not reflected by their lawmakers*, that their efforts on behalf of the Parkway result only in a more highly-desirable building site to be dispensed by County agencies.

## *The Precautionary Principle*

by Felix Smith

We are starting to hear within the environmental community about the Precautionary Principle. It was formulated in Europe, then added to the 1992 Rio Declaration on Environment and Development and then in the United States in 1998 at the Wingspread Conference sponsored by the Science and Environmental Health Network, among other sources.

The premise of Precautionary Principle is simple. When an activity raises a threat or threats to harm human health or the environment, precautionary measures should be taken even if some cause and effect relationship are not fully established or understood. The Precautionary Principle can be summarized as the Hippocratic oath "First, do no harm. Do not make matters any worse than they are." *Another way to say it; we must err on the side of caution.*

The Precautionary Principle is based on the concept that people have a fundamental right to enjoy life and their environment free of fear. Those who put toxic chemicals or trace elements into the air, water or on land, whether as a waste or as a product – deny people that right. Almost everyone recognizes that denying such a basic right is wrong.

For example, when toxic chemicals trace elements (man-made or generated by man's activities) enter our food supply or the food chain of fish or wildlife, or enter our bodies and those of our children without our consent, is a toxic trespass. Such a trespass is wrong. (Steingraber - 1998)

The Precautionary Principle calls for preventive anticipatory measures should be implemented when an activity raises threats of harm to our environment (water, land, air), fish and wildlife habitats, or human health.

The precaution must be how to prevent damage to our environment, fish and wildlife (individuals and populations) or people. The more irreversible the alteration or change and possible impacts, the greater should be the caution (Raffensperger et al - 2000, Myers in Myer and Raffensperger - 2006).

Precaution means pro-active and protective. No one wants to push a species or population to extinction. The collapse of an ecosystem is not an option. People and regulatory agencies must ask how much harm can be avoided, not how much harm or impact a resource can tolerate? Not how much pollution a body of water can assimilate? Not how much impact the resource can tolerate before there is population collapse? The questions must be focused on: - What must be done in the way of operational changes and physical fixes to assure that a healthy and sustainable ecosystem and associated fish and wildlife populations will continue to thrive? What must be done to help assure resource and ecosystem renewability and the non-degradation of tributary streams and adjacent upland ecosystems?

The Precautionary Principle challenges governmental agencies and corporations to prevent harm before it occurs. Some challenges: 1. Agencies and corporations have a duty to take anticipatory action to prevent harm to resources, uses and ecological values; 2. Agencies and corporations are challenged to prevent harm to land and water resources, associated uses and ecological values before harm occurs; and 3. This should force agencies and corporations to address uncertainty and the potential for major harm, both immediate and long term. The burden of proof of harmlessness or insignificant impact of a new technology, process, activity or chemical lies with its proponents, not with the general public (Myers and Raffensperger - 2006).

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### American River Parkway Foundation 2008 Event Calendar

- Saturday, 5/03/08 - Parkway Half Marathon - William Pond Recreation Area - 5 hours
- Saturday, 6/07/08 - National Trails Day - Location tba
- Saturday, 6/14/08 - Rex Ride - William Pond Recreation Area - 4 hours
- Saturday, 7/05/08 - Weed Warriors - Location tba
- Saturday, 8/02/08 - Down River Day - Goethe Park - 4 hours
- Saturday, 9/20/08 - Great American River Cleanup -available.

916-486-2773 ext. 10 // [www.arpf.org](http://www.arpf.org) // [volunteer@arpf.org](mailto:volunteer@arpf.org) for information

## *E.coli Found in Lake Natoma*

by Alan Wade, Immediate Past President



SARA has once more found E-coli in the waters of Lake Natoma, this time at the point where Alder Creek enter the river. Results of a sample collected on February 25, 2008 showed results equivalent to 1500 E.coli/100 mi, more than four times the acceptable limit for recreational waters. We notified Folsom city officials of our findings, and were informed

that they had no knowledge of reported SSO's (sanitary sewage overflows) during the preceding rainy weekend. Another sample, taken two days later at the same spot, indicated the presence of 500 E.coli/100 mi, substantially less but still cause for concern.

SARA has been testing Lake Natoma for E.coli for several years, employing the E.coli Count Petrifilm, made by the 3M Company, which test 1 mi. Colonies in the sample develop overnight as distinct blue colonies with gas bubbles. This methodology compares favorably with standard EPA procedures.

We cannot be certain as to the source of the E.coli noted. We do know that its presence in significant amounts in the Lower American River is *unacceptable* and presents a health risk. We plan to continue our testing program, and to inform stakeholders of our finding. If you have questions about our methods, or wish to contribute in any way to our continuing efforts, please call or write the SARA office or contact Alan Wade at (916) 455-7083.

## *MOVING BACKWARD TO THE FUTURE*

by Betsy Weiland, Volunteer Coordinator

For eight plus years, SARA and many other stakeholder groups worked closely with Sacramento Regional Transit to PLAN a new transit bridge across the American River at Truxel Road. It was planned to move people back and forth across the river and, hopefully, improve access to a beautiful but under appreciated portion of the American River and Parkway, while minimizing damages to the River and Parkway itself.

Throughout this long, complicated process that included participation in the 2 ½ year Parkway Plan Update, Regional Transit worked to partner with the community-at-large. The American River Parkway Plan Update is moving forward with policies that include a new transit/bicycle/pedestrian bridge at Truxel Road.

Even with careful attention to the bridge design, the regional community should make no mistake that the Parkway will be severely altered by this bridge. There is an estimated loss of almost 5 acres of scarce riparian habitat. These is also legitimate concern about the impacts to neighborhoods along Truxel Road.

Despite these impacts and concerns, SARA and other Parkway advocates, as well as the American River Parkway Plan citizen Advisory Committee (UCAC), recognized the equally important objectives of cleaning our air and providing sustainable transportation alternatives to not only the transit dependant but the choice commuter.

That brings us to SACOG's 2035 Metropolitan Transportation Plan (MTP). After years of discussion and study of a new bridge across the American River, SACOG releases an Environmental Impact Report in 2007 that adds 4 lanes of car/truck traffic to Regional Transit's lightrail/bicycle/pedestrian bridge.

Where was their investment in long range planning based on careful study and collaboration? SACOG certainly did not partner with Regional Transit in the relevant planning process, much less engage the citizens who pay for transportation infrastructure and the American River Parkway with their taxes.

SACOG was nowhere to be found, ever, throughout any stage of Regional Transit's effort to intelligently meet the mobility needs of this region while preserving and protecting the very valuable American River and Parkway.

SACOG should not expect, nor do they deserve, the unquestioning support of this community when they demonstrate such a lack of commitment to complex planning processes that require huge amounts of taxpayer dollars, cooperation with and respect for partners, in this case Regional Transit, stakeholder organizations and neighborhoods.

SARA will continue, as always, to monitor SACOG's backward moving "vision" of a Sacramento region minus clean air, mobility for everyone, and the conservation of our heritage, the American River and Parkway.

## CHROMA GALLERY PRESS RELEASE

Chroma Gallery's May exhibit, "American River Legacy," celebrates the jewel of Sacramento, the American River, while benefitting the Save the American River Association.

Visit the Gallery to see your favorite spots along the Parkway depicted in vibrant paintings and striking photographs by the artists of Chroma. In addition to being a great place to hike, bike and fish, it's also a favorite painting spot of Chroma's plein-air painters in their quest to capture the radiant light and color of the Sacramento area.

Save the American River Association members will join the artists at the Second Saturday reception, May 10<sup>th</sup>, 5 to 9 p.m. They will be available to chat with visitors about the importance of preserving and protecting this scenic waterway.

A portion of the proceeds from the gallery's sales during the Second Saturday reception (as well as all sales during the month of May when buyers mention SARA) will be donated to SARA to aid their work preserving the American River.

Now in its tenth year, Chroma Gallery - Northern California's premier plein-air gallery features the works of 19 local artists. Committed to capturing radiant light and color in their artistry, their emphasis is on the Northern California landscape.

Besides landscape paintings, visitors will also find vibrant still life paintings, photography, collage and sometimes the avant-garde in the bold display of color at Chroma.

Chroma Gallery is located at 10030 Fair Oaks Blvd., just off Sunrise Blvd., in the Village of Fair Oaks. Open Thursday - Sunday from noon until 5 p.m. Second Saturday until 9 p.m. or by appointment. Phone (916) 966-6020 for more information or visit the website at: [www.thechromagallery.com](http://www.thechromagallery.com)

### *Contributions in memory of Joe Montero*

SARA member Joe Montero recently passed away, and his family asked that, in lieu of sending flowers, donations be sent to SARA in his memory. SARA offers condolences to the family and friends of Joe Montero and a grateful thank you to all who have sent generous contributions, which will be matched. 100% due to the current campaign.

**ALL NEW CONTRIBUTIONS ARE MATCHED 100%.**

## Welcome to new Advisory Council Members

SARA is pleased to welcome three new members to our Advisory Council. They are: Mike Arnold, George Nyberg and Larry Payne. Their professional expertise is extensive, and we list only a *very limited* summary here.

*Mike Arnold* has a career in finance, financial planning, and has extensive knowledge of business accounting and related issues. Mike is currently President and Founder of Gold County Home Loans, a full service mortgage lending company.

*George Nyberg* has a variety of talents relating to television communications, broadcasting, photographer and cameraman, and has produced many documentaries on agriculture as well as aerospace, earning many Telly awards.

*Larry Payne* is a Registered Architect and has worked as an Architect Project Manager for various housing projects, prepared various types of environmental evaluations, and has worked for various architectural firms. He is also currently a sailing instructor at the CSUS Aquatic Center.

Each of our Advisory Council Members, including these three, has vast experience in their chosen field, are very supportive of SARA's mission, and we are grateful to each person for their willingness to help SARA.

## SARA Donation Match Campaign Gets Excellent Response

SARA is pleased to announce that response to our matching contributions campaign has been excellent, and we thank all of our donors and new members who have given so generously.

SARA is also *especially grateful* to our anonymous match *donors*. Their generosity made this campaign possible in the first place. Pleased by the response to date, they have authorized an extension of the match offer to October 31, 2008, or a total match of \$50,000, whichever comes first.

Please take advantage of this special opportunity to have your new contributions to SARA matched 100%.

### *NEW WEBMASTER FOR SARA WEBSITE*

*Ken Press*, SARA Director and President of SacFit, is the new webmaster for SARA and is currently reconstructing the website with new technology, so be sure to check the website soon for the new look. [www.sarariverwatch.org](http://www.sarariverwatch.org)

SARA OFFICERS AND DIRECTORS

Warren Truitt.....President
Kevin Regan.....Vice President
Elke Guenter..... Secretary
Jack Sohl.....Treasurer
Alan Wade.....Immediate Past President
Frank Cirill.....President Emeritus
Jim Jones.....Past President

Deborah Baron.....Wayne Chubb
Bill Griffith.....Burt Hodges
Mary Beth Metcalf .....Jim Morgan
Ken Press.....Felix Smith
Betsy Weiland .....Volunteer Coordinator

SARA ADVISORY COUNCIL MEMBERS

We welcome three recent new members:
Mike Arnold, George Nyberg, & Larry Payne

Elmer Aldrich.....Mike Arnold
Bill Berry.....Dave & Maxine Clark
Illa Collin.....Al Freitas
Les Gabriel.....Jane Hagedorn
Bob Hanna.....Pam Lapinski
Larry Payne.....George Nyberg
Ron Stork.....Ron Suter
Stephanie Taylor.....Leo Winternitz

SARA MEETING TIME AND LOCATION

SARA's Board Meetings are held on the 3rd Tuesday of each month, at 7:00 p.m. Meetings are currently being held in the Conference Room in the County Parks and Recreation Dept., located at 3711 Branch Center Road. From Bradshaw Road, turn right onto Ecology Lane - turn right again into the first parking lot. Please call ahead of time for possible changes to the meeting date and/or location. Guests are always welcome.

FOR INFORMATION:

Call Wanda: (916) 383-1298 for best response.

If you do get a recording, please leave a brief message, your name and phone number and your call will be answered as soon as possible.

SARA Phone & Fax: (916) 387-1763

SARA E-mail: riverwatch@comcast.net

SARA Website: www.sarariverwatch.org

SARA now has 501(c)(3) Tax Status. Dues, donations, gifts etc. are tax deductible. Confirmation notices will be sent. SARA's EIN is: #94-2987563

SAVE THE AMERICAN RIVER ASSOCIATION, INC.
MEMBERSHIP RENEWAL & APPLICATION FORM

SPRING - 2008

NAME\_\_\_\_\_ NEW MEMBER? ( ) RENEWAL? ( )

ADDRESS\_\_\_\_\_ HOME PHONE: ( ) \_\_\_\_\_

CITY: \_\_\_\_\_ STATE\_\_\_\_\_ ZIP \_\_\_\_\_ WORK PHONE: ( ) \_\_\_\_\_

ANNUAL MEMBERSHIP CATEGORIES

WANT TO VOLUNTEER? \_\_\_\_\_

- [ ] \$ 10. FULL TIME STUDENT [ ] \$25.00 REGULAR [ ] \$50.00 SUPPORTING [ ] \$100. FAMILY
[ ] \$100. 00 SUSTAINING [ ] \$250. CORPORATION/BUSINESS [ ] \$1,000 + LIFETIME/PATRON
[ ] \$\_\_\_\_\_ LEGAL FUNDS {PDF} [ ] \$\_\_\_\_\_ PARKWAY [ ] \_\_\_\_\_ DONATION [ ] \_\_\_OTHER

PLEASE MAKE CHECKS PAYABLE TO: SAVE THE AMERICAN RIVER ASSN. INC. or SARA
Mail to: SARA - P.O. BOX 277638 - SACRAMENTO, CA 95827-7638

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## Good News for Prospective Members to SARA

The 100% matching funds program has been extended through October 31, 2008 - or - \$50,000, whichever comes first. The matching funds program is the very generous idea of several anonymous members of our Advisory Council, and is proving to be a big help to SARA.

If you are a prospective member of SARA, this means that any funds you contribute as a new member of SARA will be matched 100%. If you have already contributed and wish to contribute more, this will also count towards the matching funds.

If you are already a SARA member but have not paid your dues recently, now would be a good time to renew. If you aren't sure when your membership expires, you can check it out quickly by looking at the expiration date above your name on the address portion of this newsletter. A date prior to May 1, 2008 means that your membership may have already expired, or will expire soon. You can also call Wanda Denson at 383-1298 to find out your expiration date.

SARA now has 501(c)(3) tax status. All dues, gifts, donations etc., are tax deductible and receipts are available.

These are critical times for the river and the Parkway, and your new - or continued - membership, is very important to us.



