

California's only statewide river conservation organization.



Volume 6, Issue 7

This issue includes:

- FOR News--CRA, RATS are coming, DWR concealment
- Action Alert--action need now!
- Get Involved!
- Calendar
- *River Currents*



FOR News



- California River Awards 2016

The California River Awards on October 21st was an smashing success. We were joined by over 160 sponsors and guests to honor river heroes US Senator Barbara Boxer and Full Belly Farm. US Senator Barbara Boxer has been a true champion for the environment by helping to protect hundreds of miles of river and millions of acres of wilderness. Full Belly Farm not only has a long record of organic farming, they are also a strong voice for sustainability in the agricultural sector.

We would like to thank all of our very generous sponsors and auction donors for making the night a true success!

The RATS are coming!

River Advocacy Training School (RATS)



FOR is recruiting **motivated and creative people with a desire to deepen their impact** as an advocate for rivers.

Dive into a semester-long program to learn about California water systems/policies and gain tools/techniques to advocate for protecting rivers.

Our amazing advocates that have ranged from 17-65 and novice to experienced, but have all shared a love of rivers and a desire to learn. Join us!

Applications due by December 5th, 2016!

Meet our Advocates!

Learn more!

- **DWR Conceals Critical Analysis** by Bob Wright

Our most recent effort in this long war to save the San Francisco Bay-Estuary/Delta and our northern and central California rivers is our letter of September 22, 2016. We addressed our recent discovery that **DWR has concealed for almost a year instead of disclosing the Draft CalWater Fix Economic Analysis prepared by the State's own economic consultant.** The—until now—secret *Economic Analysis* demonstrates that the ongoing claims by the Water Fix agencies that the exporters would pay all costs for the Water Tunnels is false. The *Economic Analysis* shows that the **Water Tunnels would take more water away from the Delta** than has been disclosed in public and also that **a public subsidy of several billion dollars would be necessary** because the *benefit-cost analysis cannot add up to even a breakeven analysis* for the agricultural exporters without a subsidy.

In these most recent letters, nine other public interest organizations joined FOR. The focus of our effort is to compel the public agencies to either drop the Water Tunnels project or to prepare a new, honest Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that includes development and consideration of alternatives to the Water Tunnels project.

A three year letter-writing campaign opposing the Delta Tunnels continues. Whether we address it to federal and state officials ranging from the Secretary of the Interior and of Commerce and EPA Administrator to officials in California or such agencies as the National Marine Fisheries Service and U.S. Fish and Wildlife Service, the message stays the same. Even when the name changed from BayDelta Conservation Plan (BDGP) to the California Water Fix, the conversation stays the same.

More recently, the letters to federal cabinet Secretaries and other key officials on August 18, 2016, hammered the need to finally comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) requirements to consider alternatives to the Water Tunnels starting with the Environmental Water Caucus' *A Sustainable Water Plan for California*.

Action Alert

Restore Salmon And Water Quality! 60% Flows needed in rivers.

After decades of degradation due to inadequate freshwater inflows, the State Water Resources Control Board (Board) is poised to take action to provide relief to the San Francisco Bay-Delta and at least some of the rivers that feed it.

Higher flows will improve the ability of salmon and other fish to migrate to and from their natal streams to the ocean, reduce the concentration of river pollutants, and lower water temperatures. Flows also should be adequate to inundate floodplains, which serve as critical rearing habitat for juvenile fish.

Please submit a comment email or letter to the State Water Board urging that it adopt water quality standards that restore 50-60% of the freshwater inflows that formerly flowed into the south Delta.



Comments are due by
noon on January 17, 2017.

[Write a letter!](#)

Get Involved!

Attend a hearing--Speak OUT for 60% INflows to the Delta.

A simple statement urging that the Board adopt water quality standards that restore 50-60% of the freshwater inflows that formerly flowed into the south Delta, as recommended by the California Dept. of Fish and Wildlife, is all that is needed.

- **Tuesday, November 29 - 9:00 a.m.**
CalEPA Headquarters, 1001 I Street, Sacramento
- **Friday, December 16 - 9:00 a.m.**
Stockton Memorial Civic Auditorium, 525 N. Center Street, Stockton
- **Monday, December 19 - 9:00 a.m.**
Multicultural Arts Center, 645 W. Main Street, Merced
- **Tuesday, December 20 - 9:00 a.m.**
Modesto Centre Plaza, 1000 L Street, Modesto
- **Tuesday, January 3 - 9:00 a.m.**
CalEPA Headquarters, 1001 I Street, Sacramento

Float our Boat!

Ever joined FOR for a day rafting? We are glad you did! FOR needs to purchase a new raft to continue to share the experience with people next year.

NRS is offering us a new boat at almost wholesale, but is still a whole lot of money (\$3500) to get a whole new boat (look at it!)! We raised \$1400 this summer and fall. [Donate now!](#)

Please share the magic by making a donation. Think of it as helping create the next river lover by making sure there is a seat in the boat for them.

Calendar

- **November 29-January 3--**Attend a Delta hearing! See details under 'Get Involved'
- **December 5th--**Applications due to for the [River Advocacy Training School](#).
- **January 18-22--** Support the RATS Training at Camp Lotus. Volunteer opportunities range from 4 hrs to 4 days! Reach out to [Toby Briggs](#) if you want to help. Sit in on amazing speakers too!

River Currents by Ron Stork

While the nation has been distracted by the seemingly never-ending presidential election (and praying for it to end), maneuvering over the fate of California's and the nation's rivers has been quietly going on.

River Currents in 6 sections.

- **Amici means friends in Latin**
- **Good news on the Klamath and a lesson learned**
- **Using the Congress to change the balance of power**
- **Oops, what's going on with "Big Storage" back in California?**
- **Dam News from the Sierra Nevada**
- **Speaking of friends**

Amici means friends in Latin

The California Department of Water Resources (DWR) has been involved in a long-running battle to relicense Oroville Dam, the lynchpin of the state water project, for years. And it has drawn a lawsuit.

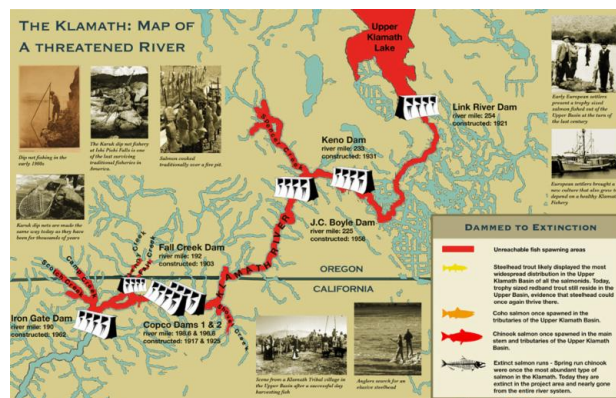
During a review of a challenge to DWR's Environmental Impact Report by California's third appellate court, the court thought out loud to the litigants that the state EIR (and state decisions) for the water-quality part of the relicensing were federally pre-empted. That would mean that the feds have shoved the state out of its power to ensure that relicensed hydroelectric dam projects meet water-quality and other objectives under state law.

In spite of California's past role in advocating for meaningful state involvement in relicensing of dams on California's rivers, DWR (represented by Attorney General Kamela Harris) reversed positions and with the state water contractors (they get water from the state water project) sided with the court's thought and argued that California's water-quality proceeding was a violation of federal law.

This potential stunning reversal of the traditional balance of power in relicensing proceedings needed (needs) some push back, so Friends of the River and the California Sportfishing Protection Alliance put together an *Amicus Curiae* (friend of the court) brief saying, hold it there, this interpretation is a complete violation of federal and state law – and explained why.

It's a good brief, nerdy of course, and vigorously procedurally challenged by the state water contractors. But we've seen enough licensing proceedings to know that the role of the state water-quality officials has contributed to the success of restoring flows in dam-controlled rivers across California.

It would be a bad idea to lose this state role. And certainly worth another *amicus* to the California Supreme Court if this issue goes there next. Rivers need friends, after all. And some of them need to be lawyers.



Good news on the Klamath and a lesson learned

These battles over power to determine the fate of rivers may seem abstract to some of you, but they are as real as can be. Take for example the long-running effort to remove four hydroelectric dams on the Klamath River.

Those dams were in a relicensing proceeding where their fate was at stake. The Federal Energy Regulatory Commission (FERC) wanted to keep them up; the federal land and resource managers wanted them out and used their weakening power to force the Commission licensing proceeding into stalemate (The new Republican-controlled Congress had pared back their powers in 2005). The upcoming water-quality phase looked like it would break the deadlock.

Instead, the parties in the proceeding negotiated an agreement to have the Department of the Interior take the dams down. They only needed Congress's permission. As one might have expected from the makeup of the Congress, the answer was Hell No! —although it took quite a few years before everyone realized that this meant no progress in the foreseeable future.

But last year the California Water Quality Control Board said enough, we're restarting up our water quality proceeding again. The parties responded by negotiating a new agreement to take the dams down — this time without the need for permission from the Congress, which has not been worthy of our trust. We may be back on the path to success.

Power matters and, if used wisely, our rivers will benefit.

Using the Congress to change the balance of power

Of course the hydropower industry, led by California's Pacific Gas and Electric Company (PG&E), is continuing to push to reduce or eliminate the power of state and federal resource agencies and land managers, as well as state water-quality regulators and tribes, in dam relicensing and consequent river restorations. The industry wants to consolidate all power in the traditionally more industry-friendly Federal Energy Regulatory Commission.

They've persuaded their Congressional Republican allies, as well as California Congressman Jerry McNerney (D-Stockton) to push power-consolidation-friendly provisions into H.R. 8, the North American Energy and Security Infrastructure Act of 2015, and S. 2012, the Energy Policy Modernization Act. (Great titles, aren't they.) **This effort has already drawn a veto threat from the Obama administration and strong criticism from the multiple-personality (see above) state of California.**

Friends of the River has joined with environmental and river recreation groups, states, and tribes from all over the country to try to dissuade the Congress from going down this path. You may have written your Congressional Representative about it. We've been talking about this all year, so it's been in the River Advocate, this column, and e-mail alerts.

Alas, if there is a lengthy post-election (lame duck) session of Congress (they are way behind on their must-pass annual spending bills and argue a lot), the idle hands of Congress may try to pass some form of these bills together to the President's desk.

Not good. So if you just happen to meet your Congressional Representative on the campaign trail, you might want to talk to him or her about it. The same goes for the President and his potential successors.



Oops, what's going on with “Big Storage” back in California?

We wish we knew. We're still waiting for a federal Record of Decision (ROD) on the proposed Shasta Dam raise and a final environmental impact statement on the giant proposed Temperance Flat Dam on the San Joaquin River gorge. The Sites Dam folks are actively lining up water buyers and preparing for refurbishing an older environmental impact report (EIR). They're also hoping to “get” the \$4–6 billion dam in exchange for dropping their protests on the Cal Water Fix (Tunnel). The potentially expanded-again Los Vaqueros Reservoir in the East Bay will be the subject of a supplemental EIR this Spring.

We do know that the California Water Commission intends to finish its regulations for awarding \$2.7 billion in free taxpayer money this December (we and others have offered comments on the regulations, of course). Awards of cash could start next year. That's likely to be bad. Deadbeat dams are deadbeat because they can't pay for themselves without somebody subsidizing them.

Senator Feinstein and the House Republicans are in discussions to authorize the proposed big storage dams and throw some federal subsidies at them. Their agreement (if consummated) could move in a lengthy lame duck session (beware of idle hands), and might or might not draw a Presidential veto.

Regardless, the widespread and persistent drum beat for “more storage” (i.e., taxpayer subsidies for otherwise deadbeat dams) this issue will be on the table regardless of the winners in the federal elections. We've got years to go before these rivers are safe again — and it may start with stopping the expectation of subsidies. Carter and Reagan established new rules for federal water projects. These rules endured for decades but have now been largely forgotten by the Congress. No-one cares what Reagan did anymore — in either party.

Dam News from the Sierra Nevada

Dams and reservoirs tend to be put in canyons, and there's a lot of canyons in California's mountains.

With the rise of solar and wind power in California, electric utilities find themselves on uncertain ground. **PG&E and SMUD** (the Sacramento Municipal Utility District) **recently dropped out of some big pumped-storage projects** on the Mokelumne and American Rivers, **although** an independent speculator is trying to pick up the PG&E project on the Mokelumne. These projects mostly utilize existing reservoirs with, at least potentially, only minor new environmental impacts.

In contrast to dams just for power, the water-supply utilities have been more energetic. The Nevada Irrigation District (NID) is an example. Hoping to get a Water Commission subsidy and taking advantage of a provision of California law that might allow them to legally take someone else's water, NID is pushing to put a \$300 million reservoir on an undammed part of the Bear River. Friends of the River and a coalition of groups and individuals encompassed in the Foothills Water Network have offered comments on the Notice of Preparation for the Centennial Dam EIR and helped to file a protest on NID's water rights application.

Not to be outdone by their neighbor to the north, the El Dorado Irrigation District has filed a concept paper with the Water Commission for a perhaps billion-dollar dam and diversion project in the upper South Fork American River drainage very much like the Upper SOFAR project of the 1970s and 80s. We've tried to gauge what degree of effort the District intends to spend on the project. The answers might be read to be not much effort, but only time will tell...

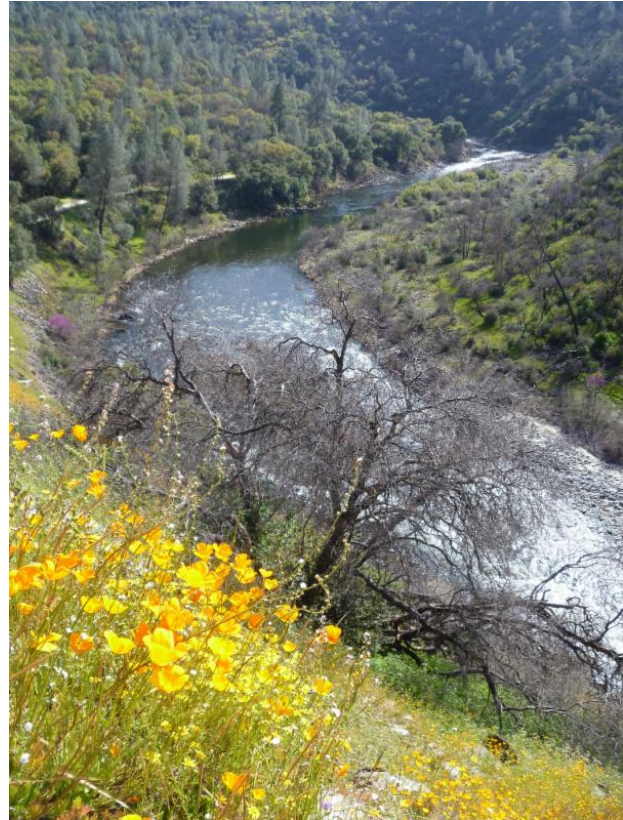
Keep your antennae out for any signs of other Water Commission or federal applicants for big money that may hurt a river near you, and let us know what you find. Friends are important for everyone.

Speaking of friends

I was giving a talk recently and was asked, “What can I do to save my local river?” Of course I thought of contributing support, volunteering to master dam EIRs and EISs, lobbying the Congress and the Legislature, pushing agencies to adopt river- and river-protection-friendly policies, writing, helping with electronic communications, reaching out to the press, giving speeches that inform, inspire, and activate, stepping up to joining and taking leadership positions in campaign strategy sessions. All good things. We need more people to do those and other things. We really do.

But what really appealed to the questioner was bringing people a taste of rivers by taking photographs and making videos of rivers and river people. After all, California’s season of straw-colored canyons will shortly be transitioning to green, freshets from the rains of winter will appear in rivers and side canyons, then the riot of color from our wildflowers will again grace our canyons. Bringing that beauty to citizens trapped in manmade environments would be a good thing, even if only in images.

It’s all good. Just make sure that you can say that you did your part and made the world better for your life in it.



Thank you for supporting rivers by staying informed. We can't wait to see you at our next event or talk!

Sincerely,

the FOR Staff--Eric, Ron, Mandi, Bob and Toby

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