

Groups file complaint over Hogan operations

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Four environmental and sport fishing groups have filed a complaint and threatened suit against the Calaveras County Water District, Stockton East Water District, and other operators of New Hogan Reservoir for water flows in the Calaveras River.

The complaint was filed with the state Water Resources Control Board by the California Sportfishing Protection Alliance, Watershed Enforcers, San Joaquin Audubon Society and the Committee to Save the Mokelumne.

Also named in the complaint are the U.S Bureau of Reclamation and Army Corps of Engineers. They and the two water districts jointly operate or have claims to water in New Hogan Reservoir.

As water master, Stockton East operates the dam and downstream river flows for agricultural and domestic uses.

The complaint states populations of spawning fish have dropped dramatically in recent years because of insufficient stream flows at critical times, and that there are no minimum daily flow requirements on the river.

Complainants also target Stockton East's operation of the Bellota Weir and Diversion downstream of Hogan Dam.

Again, states the complaint, no minimum flows have been established downstream of the weir, and impassible fish ladders and flow fluctuations there have frequently stranded fish below the weir.

And Stockton East also has discharged pollutants, in this case sediment and debris, by the flushing of intake and other pipes and failed to properly screen intake pipes to protect fish, the complainants said.

Along with the complaint, the filing groups also have issued a 60-day notice of intent to sue.

A similar complaint was filed in 2000, but was dismissed by the state without prejudice, according to the groups' documents.

"Since that time, degradation of the fishery resources of the Calaveras River has continued unabated," states the current complaint.

CCWD Interim General Manager Larry Diamond said the complaint contained serious errors, but he did not wish to elaborate further on them.

He and Stockton East General Manger Kevin Kauffman noted that the previous complaint was dismissed.

Kauffman said he was confident the state would again deny the petition and felt the same way about a potential lawsuit.

“We don’t think they have any standing,” Kauffman said.

In addressing some of the specific complaints, Kauffman compared the Calaveras River to basically a seasonal creek and said it historically could not typically support spawning fish populations.

The flows are not significant, he added, no permit requires any type of minimal flow, and the issue of proper flows has never been dealt with.

“It’s pure speculation,” Kauffman said.

As for other complaints, Kauffman said the appearance of sediment pollution first came from the state Fish and Game Department because a pipe delivering New Melones water into the Calaveras system caused a disturbance of the river bed.

Since that time, the issues have been resolved, Kauffman said.

The district also is installing screens on the Bellota intake, the largest on the river, Kauffman said, and completing a study on how best to screen other intake pipes.

For the last 4½ years, Stockton East has worked with the Fish and Game Department and the federal Fish and Wildlife Service in its operation of the river, Kauffman said.

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