

Water use threatens river life, group says groups charge Environmental alliance intends to sue over flows

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STOCKTON -- Several environmental groups are accusing a local water district of blocking salmon and steelhead runs on the Calaveras River in an apparent violation of the Endangered Species Act.

They've also filed a complaint with state water officials claiming the Stockton East Water District and other agencies violated state law by misusing the river and, in some cases, allowing fish to die.

Stockton East is the primary agency that delivers drinking water to Stockton businesses and residents. Some of its water comes from the Calaveras River, which the district controls through water releases at New Hogan Dam.



In recent years, low water flows have prevented salmon and steelhead from moving upstream to spawn. That's a particular problem for steelhead, which are listed as a threatened species.

"Stockton East is going to have to realize it must share the river with the fish," said Bill Jennings, chairman of the California Sportfishing Protection Alliance, a fish advocacy group. "It has no legal or moral right to take all of the water."

An attorney for Watershed Enforcers, an arm of the California sport-fishing group, on Thursday sent the district a "notice of intent" to sue. Karna Harrigfeld, an attorney for Stockton East, said Friday she hadn't yet seen the letter.

"Stockton East is very disappointed that Bill Jennings and his organization would send out this notice without even conferring with the district," Harrigfeld said.

She said the district spent more than \$500,000 studying and protecting fish over the past two years.

"We have no idea what their issues are," she said. "We just think it would be more appropriate to contact the district instead of filing a notice of intent and sending it to the newspaper."

In its letter, Watershed Enforcers wants Stockton East to make fish passage easier on the river, place fish screens on water intake pumps and create rules for water releases to protect fish. Besides the sport-fishing alliance, the San Joaquin Audubon Society and the Committee to Save the Mokelumne also signed onto the complaint to state water officials.

The groups also want state officials to require Stockton East and the Calaveras County Water District to protect the fish runs as a condition of keeping their water rights to the river.

Earlier this month, several local environmentalists accused the water district of sending too much water downstream at once, making it nearly impossible for fish to cross the Bellota weir.

District officials agreed to adjust the water flow and make temporary repairs to the weir to help the fish cross. But Jennings said Friday the repairs were too late for more than 100 fish.

"A lot of fish didn't make it," he said. "They just wore themselves out, gave up and died."

District officials blamed the high flows on heavier-than-usual rains, which filled New Hogan Reservoir to its highest level in eight years.

Harrigfeld said the fixes were done with the blessing of fish and river advocates.

"We sat down with all of the players," she said.

Mike Lozeau, an Alameda attorney representing Watershed Enforcers, said the notice of legal action shouldn't come as a surprise to the district, which in past years wrangled with environmentalists over whether the Calaveras River could support a salmon run. Many years, the water level is too low. "As far as we can tell, we're years away from any substantial reaction from the district that would resolve the killings of the fish and the various obstructions in these channels," Lozeau said.

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