

## The South Yuba River-- One Of California's Rivers Of Constant Sorrow

*Kathryn Gray*

The South Yuba River has long been a fully paid up member on California's sad roster of Rivers of Constant Sorrow. It has been dammed, diverted, hydraulically mined, and used for a place to dump mountains of mine tailings, and later, streams of sewage effluent. Despite having a valiant and resolute defender, the South Yuba River Citizens League, who have successfully fought, and who continue to fight against seemingly overwhelming odds to protect it from further dams, and who have had bright victories, such as the designation of a portion of the South Yuba as a California Wild and Scenic River, it's nevertheless a river that has to take each day as it comes, for each new day can bring with it a whole load of troubles.

This past month's troubles arrived up at the headwaters, near the sewage effluent outfall for the Donner Summit Public Utilities District (DSPUD). DSPUD provides sewerage service for Nevada and Placer County's Donner Summit communities. For many months of the year, treated effluent is discharged into the South Yuba River. In fall and winter, DSPUD's treated discharge may represent as much as sixty percent of stream flow. Between July and October, no effluent is permitted in the river, but is instead sprayed on the nearby Soda Springs Ski Hill, above the headwaters, where it (hopefully) evaporates.

Great care is taken to comply with all discharge standards, but as of November 2007 DSPUD had amassed a total of \$204,000 in mandatory penalties for violations of effluent limitations. As the district fits small community-financial hardship guidelines, this sum has been applied towards upgrades to ensure compliance, and things seemed to be looking up for both DSPUD, and the health of the South Yuba River.

Recently, though, observers noticed excess algal growth and eutrophication downstream of DSPUD's outfall into the South Yuba River. They contacted the Central Valley Regional Water Quality Control Board (CVRWQCB), who promptly sent out a unit to inspect the plant, and to take samples above and below the discharge point, and at the bridge downstream. The CVRWQCB team sampled for nitrates, nitrites, ammonia, phosphate, and



The South Yuba River near Rainbow Lodge.

*Photo by Kathryn Gray*

orthophosphates, and field tested for pH. Hopefully the algal blooms will not turn out to be any of the blue-green algae that produce cyanotoxins, as that would have severe implications for wildlife, water potability, and would present health risks for anyone splashing about in the water, particularly children and dogs. Wait, am I saying someone would let a child play about in the rocks and shallows of a river that might be 60% treated effluent, and maybe effluent that's a little short of treated enough?

Curiously, the CVRWQCB team wasn't the only group mucking about in the South Yuba River's murky waters; a spokesperson for the water quality board said that Royal Gorge, LLC would be having their own water consultants, Eco:Logic, conduct an analysis of the algae. Royal Gorge LLC is a firm owned by Kirk Syme, Woodstock Development, Todd and Mark Foster, Foster Enterprises, and unknown investors.

What concern, you might ask, would Royal Gorge LLC have with the nature and source of algae in the South Yuba River? Well, the South Yuba's troubles have, as mentioned above, historically included dams, diversions, and dumping, but as of late those troubles have been eclipsed by the threat of a huge bloom of development up at Donner Summit. Royal Gorge LLC has, for more than a year, been in discussions with Placer County about remaking the cross country resort into a condo/hotel/housing/commercial development of up to 1000 units, which would at least double the load of effluent that is currently dumped into the South Yuba River. Many citizens fear that the South Yuba cannot shoulder the burden of additional effluent- if the river at times is now 60% effluent, how can it be made to be 120% effluent? (Yes, I know...)

Back when the communities that sit

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## Acquiring The Lake Bottom Is "Eminently" Reasonable-

### *Royal Gorge LLC's Refusal To Sell It Is Not*

After doing a bit of ferreting about in old Serene Lakes history, some curious things have turned up. It seems, in the not so distant past, that the relationship between the original developer, the Sierra Lakes Club, and the early water board was not all sweetness and light; there were contentious issues over who owned the lake, and who owned the water-- lots of muddy currents, with the water rights inexplicably changing hands between various entities.

Fast forward to today, where the water rights are at least solidly SLCWD's. The question is, though, why does Royal Gorge LLC, whose interests clearly might not remain in perpetual accord with SLCWD and Serene Lakes property owners, own the lake bottom, parts of the greenbelt (the parts not in other private ownership), and who knows what else? At present, SLCWD even needs an easement,

of all things, just to maintain the dam! If SLCWD needs to move the intake pipe, to allow for a better water draw when the lake is frozen, they'll need to negotiate that with Royal Gorge LLC.

Wouldn't it make both financial sense and "horse sense" for SLCWD to own the whole kit and kaboodle? Yes, and for quite some time SLCWD has been negotiating for the purchase of the lake bottom, and the greenbelt, with a seemingly intransigent Royal Gorge LLC. These negotiations have gone nowhere fast, and a few water board meetings ago Mike Livak, Royal Gorge LLC's representative, expanded to expounding on how Royal Gorge LLC would defend their private property rights.

What possible private property rights could Royal Gorge LLC have in the lake bottom, which they've never been assessed a penny of property tax on, because Placer County considers it useless? They can't build anything on it, and they can't do anything to it that harms our water supply. Do they want it

for some sort of bargaining chip, to save to use against SLCWD on a (not) rainy day?

Some years ago, when the present Ice Lakes Lodge was built, the board of SLCWD elected not to purchase the lake bottom, as they trusted the relationship they had with the former owner of Ice Lakes Lodge, and saw no purpose in the purchase. Times change, and now it appears that maybe that wasn't such a good judgment call.

When you have a developer such as Royal Gorge LLC, who is seemingly desperate for water, suggesting raising the dam on the lakes, which would ruin the greenbelt and little islands, and proposing dredging, which could damage the bottom of the lake, possibly opening up fissures, it becomes apparent that it would be in the best interests of all if SLCWD, who has the ongoing health of the water supply at their heart, acquires the lake bottom and green belt.

How much will this cost? Since Royal

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## SELLING OUT DONNER SUMMIT FOR STARBUCKS AND A SUPERMARKET?

It's discouraging to hear the (few,thankfully) people who feel that if Royal Gorge LLC convinces Placer County to let them plaster 1000 units up here, give or take a hotel or two, Donner Summit will become a regular, er, subdivision, just like you can find anywhere- one with a Starbucks and a supermarket, and maybe a gas station thrown in for good measure.

You'd think folks would pay attention to the many people in Truckee who are aghast at what is happening to their town, in that the more development Truckee gets, the less real-people stores and services there are, with the downtown fast on its way to becoming a theme park. Given this economy, it's becoming a theme park with vacant stores.

Or you'd hope they took a hard look at the ersatz "village" at the base of Squaw Mountain, which looks like it's hanging on by the skin of its teeth. Do we really want that up at Donner Summit? Is it worth letting a developer bulldoze trees and carve up hillsides to assure ready access to a fudge bar from a "cute" bakery, and a latte?

Even if people are willing to trade the solitude and beauty of the mountains for a sprawling subdivision, you'd think they'd want to take off their developer issued rosy colored spectacles, and take more than a glancing view at the present economy.

To whit, even Tahoe City, with zillions more people than Donner Summit, can't support a Starbucks. And a supermarket up here? The amount of people needed to support steady daily business at a supermarket and gas station up here at Donner Summit would make us look like, say, Roseville, or Auburn, or Truckee...

Ever wonder what a supermarket would do to our Soda Springs Store, the one where they know your name and take the time to chat with you? Do you think a chain restaurant would help the Summit Restaurant at Donner Summit Lodge's business? How much pricey coffee are you willing to drink to make a chain coffee store viable?

Why don't we work to preserve what we have, instead of selling out the beauty of our area for a sprawling subdivision which won't bring gas stations, supermarkets, and restaurants, despite what the developers dangle to the credulous? Why would anyone want to squander an exceptional area of natural beauty such as Donner Summit, an area replete with history, on yet another subdivision? Don't we have enough of those already?

### Sorrow From Front

astride Donner Summit were developed, a patchy system of sewage disposal was used. Septic tanks were tried in many areas, and, were by and large, woeful failures, as granite was not designed to be an adequate leach field. The South Yuba River still has many leach fields in its watershed, including those at the Sugar Bowl Ski Resort, and not all of them are working well, a subject that is generally not broached in polite company. "I know where your leach field is buried," won't get you invited to a lot of parties.... Perhaps the latest algal bloom is the product of yet another failing leach field, which will mean someone else will have to hook up to DSPUD, which will mean.....

It all means that maybe the South Yuba River and Donner Summit are well past saturation point, concerning what's directly dumped into the South Yuba River, what oozes in from leach fields that follow the course of the river down the mountain, and what doesn't

## ROYAL GORGE LLC'S CASE OF SUMMER BOREDOM

(From the Save The Summit Archives)

*We're bored with the SLCWD board, those 5 tedious guys  
Who don't jump when we want them to; A remedy we'll devise  
Perhaps if we elected a few others who share our concern  
We'll make sure, money-wise, we earn and we earn.*

*An election is coming, isn't that swell?  
If we play our cards right, we can quite possibly dispel  
The erroneous notion that when it comes to water we don't have a clue  
Heck, we're Kirk Syme, Todd, and Mark Foster, and we know just what to do!*

*We'll find us some candidates who have no compunction  
Of acting for Royal Gorge in a strictly fiduciary function  
Who, if we want to drain Serene Lakes, they won't bat an eye  
At the sight of the lakes, muddy, ugly and dry.*

*And to help us out, they'll jump in and hassle  
The SLCWD board, cause, heck, they're our vassals  
Filing complaints with the state, sending letters to the papers  
Those could be just a few of their capers.*

*They'll make sure our interests are considered before  
Those of the little Serene Lakes cabin owners who are just such a bore  
The way they fussle and tussle and write all those "my turns"  
When what keeps us up nights is fear of diminishing returns*

*'Cause a "Ski Camp" without downhill is no fun at all  
And no matter how we arrange the condos and related sprawl  
Perhaps no one will buy it- the thought chills and distresses  
We may not be one of the Sierra's successes.*

*Our banks may get crabby, our investors demanding  
There could be difficulties with debts still outstanding  
We need sewer and water as fast as we can get it  
Although that's not a fact that we're willing to admit yet.*

*We're bored with the SLCWD board, those 5 tedious guys  
Who don't jump when we want them to; A remedy we'll devise  
Perhaps if we elected a few others who share our concern  
We'll make sure, money-wise, we earn and we earn.*

This opinion is based on the voluminous letters submitted to SLCWD by the two law firms in Royal Gorge LLC's employ regarding ordinances aimed at protecting Serene Lakes from being overdrawn. -KTG

### HELP WANTED:

**Money man needed:** Royal cross country ski resort seeks white knight; slaying dragons optional, but dexterity with bankers and lawyers a must.

**Gold spinner sought:** Harried developers searching for assistant to spin straw/pine trees into gold; name not required.

**Desperately seeking Builder:** Master pig mason needed to design snow and economy proof houses; wolf is already at door.

**Water wizard wished for:** Developers need a man Jack to go up the hill and fetch a pail of water-- quite a few pails, in fact.

**Truthful child required:** To tell developers their plans look like Emperor's new clothes.

evaporate from the Ski Hill that's also a mere parking-lot away from the point the river gurgles down from its headwaters in Van Norden Meadow. Perhaps it's time for someone to step in and put a halt to any new development, until the glaring problems of the South Yuba River, a stunningly beautiful, seriously impaired river that also eventually ends delivering water to someone's tap downstream, are addressed.

If the ongoing effluent disposal problems of DSPUD and the issues of failing leach fields at Donner Summit are not addressed, and large developments are permitted without serious upgrades, we certainly won't be meeting on the 'golden shore.' Or will we?\*

\*Hey, it's a great folk song-- and it's past time for California to take a hard look at water supplies/water quality, from the top of the watershed all the way down, especially as what goes in at the top of the watershed, comes out at the bottom. Your tap or mine?



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### Eminent From Front

Gorge LLC never really paid anything for the lake bottom, as it piggybacked on the Ice Lakes Lodge property, and as they've never paid any taxes on it, how about \$1.00? Sound reasonable?

Add in Royal Gorge LLC's propensity to throw a law firm or two at every perceived issue at the water board, though, and I'm sure they'll make it cost a lot more in frustration, wasted time, and legal fees-- money that would be better spent on our infrastructure upgrades. Sometimes this "scorched earth" developers' technique gets old, especially when it gets in the way of the ongoing tasks of maintaining and upgrading our water and sewage systems, and caring for the lakes we love.

It seems to me that if Royal Gorge LLC refuses to act reasonably, there is not a clearer case of present necessity than now-- SLCWD needs to acquire the lake bottom and greenbelt, to protect our water supply and the health of our lakes--

In this case, eminent domain is eminently reasonable-- If Royal Gorge LLC does not act reasonably, then SLCWD should stop letting them beat about the bush, and start proceedings as soon as possible.