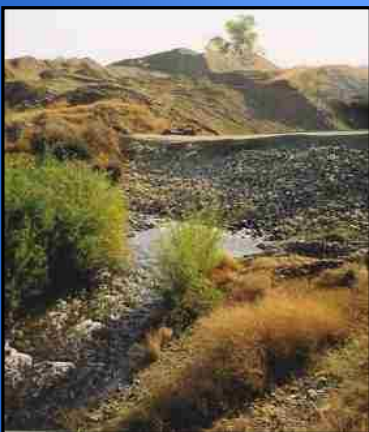


**Center for Collaborative Policy**  
California State University, Sacramento  
815 S Street, Floor 1  
Sacramento, CA

**Gina Bartlett, Senior Mediator**  
**Jodie Monaghan, Mediator**  
Phone: 415-255-6805  
Email: [gina.bartlett@gmail.com](mailto:gina.bartlett@gmail.com)



# **LOWER YUBA RIVER ISSUE ASSESSMENT REPORT**



**SACRAMENTO  
STATE**

Prepared for:

South Yuba River Citizen's League

Yuba County Community Development & Services Agency

Yuba County Water Agency

April 8, 2008

## OVERVIEW

Recreation and environmental restoration on California's Lower Yuba River is the subject of this assessment. From November 2007 to February 2008, 42 stakeholders provided their perspectives through a series of interviews conducted by the Center for Collaborative Policy, California State University, Sacramento, and (CCP). The purpose of these interviews was to assess issues and potential opportunities related to recreation and environmental restoration from just below Englebright Dam downstream to Marysville in Yuba County. The South Yuba River Citizen League, Yuba County Community Development Agency, and the Yuba County Water Agency co-sponsored the assessment.

This report is broken into three sections: the first summarizes the interview findings, the second presents the analysis of the findings, and the third provides recommendations for next steps. Based on these interviews, CCP recommends that interested parties convene a strategic planning dialogue on restoration priorities and pursue restoration projects in the near term. Stakeholder support exists for implementing restoration projects that will benefit in-stream fisheries and enhance habitat along the riparian corridor. Although substantial support for developing a parkway trail exists, CCP recommends deferring the creation of a parkway trail concept due to budget constraints and land acquisition and easement challenges at this time. However, CCP recommends pursuing initial trail planning when funding is available.

## APPROACH

CCP mediators, Gina Bartlett and Jodie Monaghan, conducted personal interviews with stakeholders who might have an interest or stake in addressing the subject matter of the assessment. The assignment to the CCP mediators was to identify and speak with a range of stakeholders to understand areas of concern, agreement and conflict, identify opportunities, and issue recommendations on next steps and possible processes to assist future discussions on recreation and environmental restoration.

The assessment co-sponsors helped identify an initial list of individuals to interview. CCP then relied on interviewees for additional referrals to ensure a range of perspectives was presented. CCP conducted 28 interviews with 42 stakeholders, representing aggregate mining, agricultural, environmental, flood control,

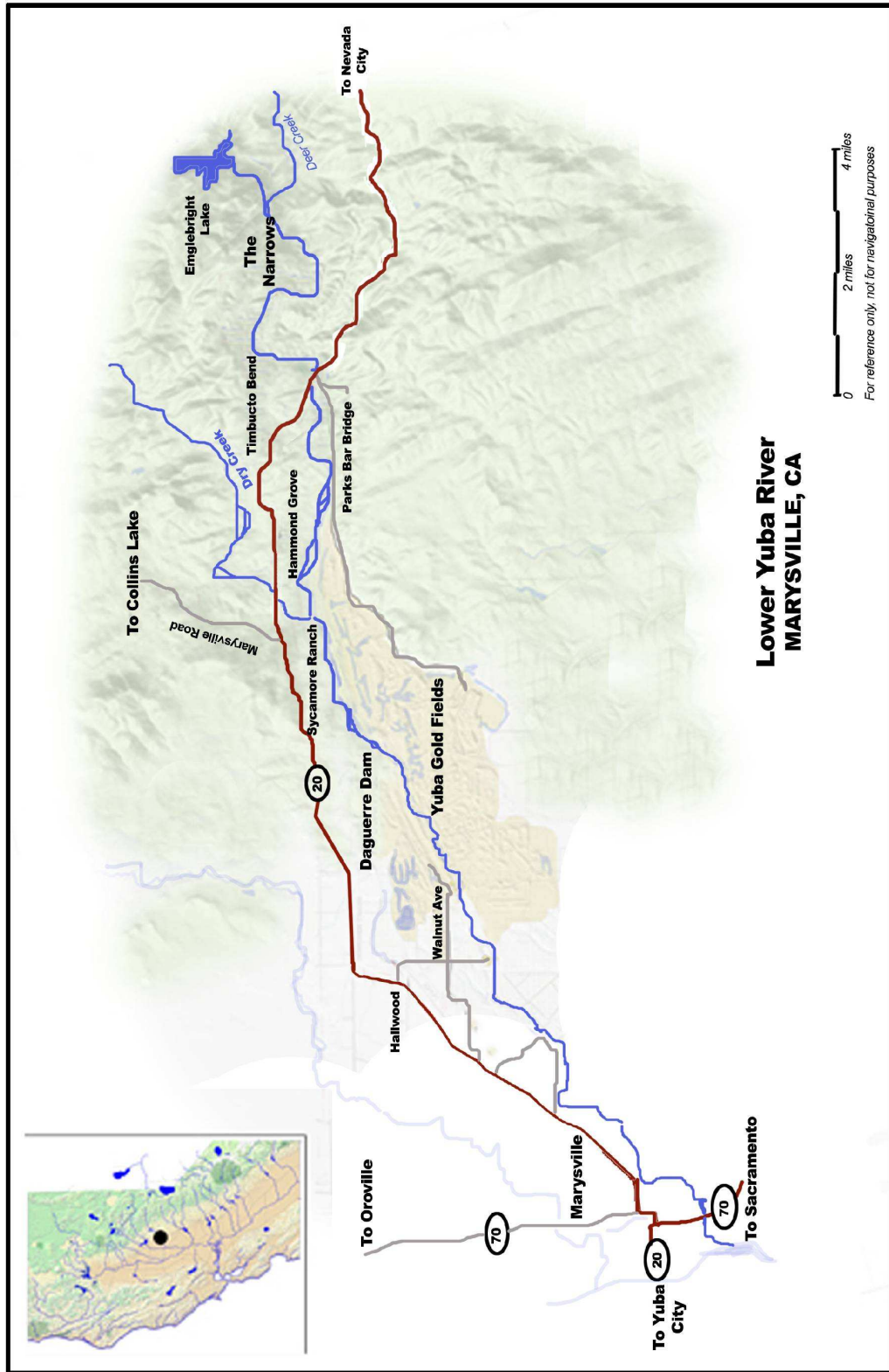
governmental, regulatory, recreation, and water supply interests. (See Appendix A for a list of names.) CCP conducted interviews in person and by telephone, individually and in small groups. Questions focused on the future of the Lower Yuba River, recreational and environmental restoration activities and stakeholder involvement. (See sample questions in the appendix.)

CCP staff received permission to share interviewee comments without attribution in this report. Every effort has been made to accurately represent the diversity of opinions and recommend steps for addressing opportunities and challenges on the Lower Yuba. Before finalizing, CCP shared this report with the co-sponsors and interview participants for review and comment to ensure that it accurately reflects information presented in the assessment interviews.

## **SETTING**

This assessment concentrates on the Lower Yuba River in Yuba County, California, a 24-mile stretch of river starting just below Englebright Dam downstream to Marysville.

Stakeholders from throughout the region view California's Lower Yuba River as a unique natural resource. The Lower Yuba River has a rich and sometimes conflict-laden history tied to the inter-relationship of gold and aggregate mining, water supply, and salmon and steelhead fisheries. Beginning just below Englebright Dam, this reach of the Lower Yuba River runs through a rural area, ending in the town of Marysville, the Yuba County seat. Englebright was built in 1941 to halt hydraulic mining debris. Downstream from Englebright, the river winds through the Narrows, a stretch dominated by high cliff-like banks channeling cold water hospitable to salmon. Further downstream, the Highway 20 Bridge marks Parks Bar, and then the river passes by Hammon Grove Park, both of which provide public access points. The river flows upon its second debris dam, Daguerre, and the historic gold fields comprised of 10,000 acres of gravel mounds and shallow, shifting lakes. Finally, the river approaches Marysville where levees separate the river from its environs. Although home to an active (primarily "catch and release") fly fishing community, access to the river is limited, and motor boating is prohibited above Daguerre Dam. The region prides itself on the river's salmon and steelhead fisheries. Like all the rivers in the Sacramento Valley, the Yuba's returning salmon have declined substantially in 2006 and 2007.



## JURISDICTIONS

Multiple, sometimes overlapping, layers of government exist in this reach of the river. State and federal jurisdictions include the California Department of Fish & Game (Fish & Game), the State Water Resources Control Board, the California Department of Water Resources, National Marine Fisheries Service (NMFS), U.S. Fish & Wildlife Service, the U.S. Department of the Interior Bureau of Land Management, and the U.S. Army Corps of Engineers (Corps).

Fish & Game regulates fishing and in-stream activity. The State Water Resources Control Board oversees water rights on the Yuba River. NMFS is responsible for the management, conservation and protection of anadromous fish to support sustainable fisheries. The U.S. Fish & Wildlife Service oversees anadromous fish and coordinates the Lower Yuba River Technical Working Group. The California Department of Water Resources is involved in water supply and, along with the Corps, in flood management. The Corps operates Englebright and Daguerre Dams and owns land in the gold fields and the major levee systems with the state of California. The Bureau of Land Management owns lands in the gold fields and leases Hammon Grove Park to Yuba County.

The Yuba County government provides recreational services through its Public Works Department of the Community Development & Services Agency. The Board of Supervisors sets policy and oversees all County activities.

Marysville, is an incorporated city, on the Lower Yuba River. It has its own park system, maintained by the City Services Department, with the City Council setting policy.

Several local districts also provide services related to this assessment. The Yuba County Water Agency supplies water to numerous irrigation districts, which convey water to local agricultural operations, and manages flows below Englebright to meet contractual arrangements with PG&E and flow requirements set by Federal Regulation and Oversight of Energy (FERC) and the State Water Resources Control Board. The Yuba County Water Agency also manages flood flows from new Bullards Bar Reservoir according to Corps regulations.

The main levees in Yuba County are owned by the state and federal governments. Reclamation and Levee Districts are responsible for minor maintenance on levees throughout Yuba County while the Corps and Central Valley Flood Protection Board are responsible for overseeing major levee improvements. The Marysville Levee

Commission is responsible solely for the operations and maintenance of the ring levee surrounding the City of Marysville. Reclamation District 784 maintains and operates the levee system on the left or south bank of the Yuba from Feather River upriver to the gold fields.

## EXISTING ACCESS

Currently, public river access is limited to just a few points: the Highway 20 Bridge at Parks Bar, Hammon Grove Park, Hallwood Boulevard, and the Highway 70 Bridge in Marysville. Motorized boats, except for research purposes, are not allowed above Daguerre Point Dam. The entire river is open to non-motorized boats. Private fishing membership clubs also have river access through the private lands along the river that they own or lease. Some public access has occurred in the gold fields.

Hammonton Road, previously a private road maintained by an aggregate company, has been opened to public access as a result of a lawsuit. However, stakeholders report that lack of maintenance make the road difficult to use. Recreationists with Off-Highway Vehicles (OHV) or All Terrain Vehicles (ATV) have used the areas in the gold fields. Recently, however, the Bureau of Land Management banned the use of motorized recreation on some of its lands in the gold fields because of concerns about damaging training walls (100 feet high banks of gravel that channel the river and reduce the amount of water in the gold fields), harming salmon habitat in the river, and user safety.

## INTERVIEW FINDINGS

The primary purpose of this assessment is to consider opportunities for a parkway trail and environmental restoration. Defining the river by reach helps to identify opportunities and challenges. Based on interview findings, stakeholder attitudes on the parkway change depending on geographical contexts; moving “up river”, they include:

- **Around Marysville:** This is the area in the City of Marysville and slightly up river to about Hallwood Boulevard.
- **Above Marysville to Parks Bar:** This reach of the river is above “around Marysville” up to the Parks Bar Bridge, where Highway 20 crosses the Lower Yuba River. This reach includes Hammon Grove Park on the north side of the river and the historic gold fields where aggregate (gravel) and gold mining still occur on both sides of the river.

- **Above Parks Bar:** This reach extends above the Parks Bar Highway 20 Bridge to the Englebright Dam. The assessment did not include Englebright Dam.

## **Parkway and Other Recreational Opportunities**

*The concept of a river parkway is a dedicated corridor of open space along both sides of the river through which a non-vehicular trail runs adjacent to or near the river.*

Recreational activities in the parkway would include biking, walking, jogging, bird viewing, picnicking, overlooks and interpretive education. Parkway users would enjoy viewing the river during trail activities. Some river access might also be provided. Education would address the natural environment and historical activities affecting the river. Through tree planting and other habitat improvements, the parkway could transform landscapes to make them aesthetically pleasing to the trail user.

### **Parkway around Marysville**

*Substantial support exists for developing a parkway trail around Marysville.*

According to county staff, local residents are urging the county to increase recreation opportunities in the area. Environmental interests are in favor of providing a recreational trail. A few interviewees, although not opposed to the trail concept, do question if anyone would use it.

Yuba County is conducting a parks master planning process, which includes a regional trail system consistent with the parkway concept. Around Marysville, the Master Plan proposes a trail that would extend west of Marysville and then cross the river on a new road<sup>1</sup> that has been approved, connecting to a proposed regional park. The trail would then loop back to Marysville on the south side of the river.<sup>2</sup>

Stakeholders who advocate enhancing recreation opportunities see it as a vehicle for economic growth and a proactive measure to meet the recreational needs of a growing population both within Marysville and the region. They envision a parkway or trail that draws visitors to the area, who would generate income for the local economy.

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<sup>1</sup> The new road, to be called the Yuba River Parkway, will connect Highway 65/70 to Highway 20 east of Marysville.

<sup>2</sup> See the Plan map on page 41.

[[http://www.co.yuba.ca.us/Departments/Community%20Development/Public%20Works/PARKS/yuba\\_co\\_parks\\_plan\\_DRAFT101507.pdf](http://www.co.yuba.ca.us/Departments/Community%20Development/Public%20Works/PARKS/yuba_co_parks_plan_DRAFT101507.pdf)]

The parkway or trail concept does present some challenges. While open to a parkway concept, the City of Marysville staff and some County representatives express concern about funding ongoing operation and maintenance of the parkway. Other stakeholders in the region also view funding as problematic. Most agree that obtaining funds to build the parkway is possible, but finding funds to sustain the parkway is a major concern. In the Master Plan, the County proposes a funding strategy that allocates money for capital costs and operations. The plan identifies potential revenue through a new regional landscape and lighting district, which could assess fees, increased county-wide park impact fees, grants and other sources. Funding to acquire land is not fully articulated and will have to be addressed. Stakeholders suggest the Resources Agency River Parkway Fund, the Sierra Nevada Conservancy, and the aggregate tax<sup>3</sup> as possible funding avenues for the parkway.

Given funding constraints, county staff suggest that using levee tops may be a feasible way to initiate the trail. However, the levee system would not provide a loop trail, and the levees are some distance from the river. For this to work, the County will have to work directly with flood control organizations to address concerns related to levee access.

More generally, flood control interests are concerned about access to and potential damage or vandalism to levees that might result from a parkway trail system. They would challenge any amenities or structures that might impede water during high flow events. Others suggest that flood management concerns could be addressed and even enhanced through a parkway design approach that integrates habitat for recreation and flood management.

Another issue, mentioned frequently, is illegal activity, primarily dumping on or around a trail or in the river. A few stakeholders express concern that trail users would dump garbage or use the trail as a place to drink alcohol, leaving their trash behind. They question the ability to enforce rules and regulations on local users, given funding constraints.

### **Parkway above Marysville to Parks Bar**

*While some stakeholders and the County Master Plan support extending a parkway to Parks Bar, interfacing with agriculture and obtaining land and public easements would be a challenge on "river right" or the north side of the river. On river left, land conflicts in the gold fields pose a major challenge. A number of stakeholders would consider extending a parkway from around Marysville to Parks Bar highlighting the*

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<sup>3</sup> County-levied tax on aggregate that is designated for road repair.

recreation opportunity that this would provide. These supporters also envision that the parkway or trail would attract regional visitors creating economic benefit. The Parks Master Plan has proposed an alignment that extends from Marysville up through Hammon Grove Park, across the Highway 20 Bridge at Parks Bar, and returns through the gold fields on river left or the south side of the river.

#### River Right--North Side of River

Purchasing land or easements from land owners would be necessary on the north side of the river. Landowners suggest that willing sellers would come forward if offered a "fair" price, but would likely not support public easements on private land because of concerns that easements would lower property values. Landowners with agricultural operations express concerns about trespassers and disruption to agricultural practices. One example would be trail users potential reaction to orchard spraying near the trail. Creating a proper trail alignment would require a substantial amount of outreach and negotiation.

#### Gold Fields

This reach of the river includes the "Yuba Gold Fields," almost 10,000 acres of aggregate (rock) and sand created through hydraulic and dredge mining activities. Hydraulic mining scoured hillsides in the upper watershed with water, causing dirt, rocks and debris to wash down hillsides into the river. As the debris flowed down the river, it eventually settled and flattened the river. Dredging for gold began in this area in the early 1900s and continues even to this day. The process of dredging turns the earth over, putting gravel on top of the dirt. Some suggest that this activity limits the establishment of riparian vegetation that enhances fisheries habitat. These activities have created a hundred-plus-year-supply of aggregate (or gravel). Companies actively mine and generate economic activity in the area. Stakeholders view this large area of land as a great opportunity for recreation and potential restoration projects.

Land and mineral and precious metal rights in these gold fields are rife with conflict, involving private companies, the Army Corps of Engineers and the Bureau of Land Management (BLM). The two federal agencies, the Corps and BLM, have disputes over land ownership. Other disputes are related to overlying mining and precious metal rights. Different parties can own different, overlying rights on the same parcel; competing claims and the shifting river have complicated deed claims. One party may own the aggregate rights to a parcel, the second owns the precious metal or gold rights on the parcel, and a third owns the actual parcel or land. These disputes have been under discussion and in litigation for years, and most see no end in sight. The disputes are challenging and complex with over 100 parcels in the gold fields. Several stakeholders suggest strongly that recreation and other public benefit uses

cannot be discussed for these lands until the federal government consolidates its land holdings (Corps and BLM), and the land disputes are resolved.

#### Other Issues

All terrain vehicles (ATV) would also be a consideration for this subset of the parkway. Stakeholders report that this is a very popular activity in the region. If a parkway or trail were to move forward, the ATV community would likely be active and want to create recreational opportunities for their constituency as well.

Stakeholders repeatedly characterize the river as a unique natural resource. A concern in this reach is protecting the river to support in-stream fisheries. Some stakeholders express concern that providing recreational access will lead to salmon poaching, walking in the river destroying salmon beds, ATV use in the river bottoms, illegal dumping in the river, and other kinds of activities that could damage in-stream fishery populations. Others suggest that recreation opportunity increases the user's appreciation for the resource. As a result, users become stewards who advocate for protecting the natural properties of the trail and its environs and discourage inappropriate behavior by other users on the trail.

Stakeholders representing flood control interests might be concerned that planting trees and creating habitat around the parkway may weaken levees. Amenities, such as bathrooms and interpretive stations might also be cited as problematic if they could impede flows or be dislocated during flood events.

Funding for operations and maintenance is a major issue. The County has addressed funding in its Parks Master Plan and envisions a phased approach to completing proposed recreational elements as funding becomes available.

Finally, stakeholders in this reach express interest in forming partnerships to implement recreation projects. They envision these partnerships bringing different interests together, including local and state government, private business, environmental, recreation, flood control and water supply interests.

#### **Parkway above Parks Bar**

*Local stakeholders do not support developing a Parkway above Parks Bar, primarily due to concern about damaging salmon habitat. Only a few stakeholders propose extending the parkway into this reach. This concept would likely face many challenges unless the parkway was moved away from the river. Because this reach of the river tends to have high, steep and unsafe banks, a few stakeholders state*

that these might serve as a natural barrier to protect spawning areas. They cite the benefits of inter-connecting trails that would allow one to hike all the way up through the Sierras. However, most stakeholders, in particular local stakeholders, are not supportive. Interestingly, one stakeholder noted that as much or more salmon habitat exists below as above Parks Bar, yet other stakeholders viewed this reach as “more sensitive.”

Existing land owners in this reach do not want to allow public access across their lands. The University of California Extension is a large land owner in this reach on the north side of the river. While the University does offer access several times each year, it fears that a parkway or trail would compromise research projects underway at the location. Any access would have to be carefully controlled.

On the south side of the river, private land owners do not wish to provide public access. They cite problems with illegal trash dumping as a primary concern. If faced with public access requests, these landowners would prefer to sell their properties for a competitive price. Other stakeholders express a strong interest in purchasing open space lands on properties adjacent to the river in this reach on the south side or river left. Many are excited about the possibility of private land purchases moving forward and land ultimately being preserved as open space. Once purchased, ownership could be transferred to a public agency. Depending on the mission of the public agency, some type of public access might be proposed and recreational opportunity could be made available.

## **Habitat and Fisheries Restoration**

*Stakeholders place high value on the Lower Yuba River as a riparian corridor providing vital habitat for wild salmon, steelhead trout and sturgeon.* Protecting and enhancing spawning and riparian habitat are deemed critical by all major interests. Stakeholders report that the Lower Yuba is one of the last wild, self-sustaining runs of Chinook salmon and steelhead in the Central Valley. Fish recovery is consistent with water supply interests to protect water supply. However, fish passage is an issue of conflict.

Stakeholders express concern that the river lacks shaded riverine habitat and in-stream woody debris – favorable rearing habitat for Chinook salmon and steelhead trout. Interviewees would like to see environmental restoration projects move forward, especially those that link improving habitat with an increase in in-stream fisheries and improved flood management. Stakeholders suggest the PG&E fish

restoration fund at Englebright, the Sierra Nevada Conservancy, Propositions 84 and 1E, and the aggregate tax as potential funding sources for these activities.

### **Restoration around Marysville**

Stakeholders do not propose any specific restoration around Marysville; suggestions concentrate on the other reaches defined in this assessment.

### **Restoration above Marysville to Parks Bar**

Stakeholders would like to identify opportunities for habitat restoration and restoration to enhance in-stream fisheries in this reach. Stakeholders would like to see additional vegetation and improved canopy over the river. A few stakeholders suggest that planting willows, for example, would help secure banks and provide nesting areas for bugs that ultimately provide fish food. A few question the value of restoration activities because they fear flood events will destroy restoration projects. Flood interests are concerned fallen trees or other efforts could impede flood flows. Agencies that regulate fisheries must approve any efforts. Stakeholders also identify two groups that would need to be involved because they coordinate fishery enhancement activities: the Lower Yuba River Technical Working Group and the River Management Team of the Yuba Accord (discussed below in *Other Processes*).

Some stakeholders propose cutting backwater or side channels into the river to provide rearing habitat for juvenile salmon. These stakeholders suggest that this would be consistent with flood management techniques and could be done in cooperation with mining operations. Some stakeholders also report that any enhancement to fish habitat could be threatened by flooding so projects should proactively address flooding issues when possible. Extensive studies are underway in conjunction with the Yuba Accord that should identify some recommendations. Some cite the need for hydrologic surveys to understand how water moves through the gold fields. Others propose developing projects, such as side channels, where the opportunity exists and where local knowledge identifies potential benefit. Water supply interests would raise concern if any such improvements would affect water operations on the Lower Yuba.

Environmental interests would like to integrate restoration and flood management projects in the gold fields. As mentioned previously, multiple land disputes occur in this area. However, identifying swaths of uncontested land for restoration activities might be possible. One such parcel is right below the Parks Bar Bridge where three

miles of river front is owned by one company and is uncontested. Further this land is not likely to be mined now or in the future.

Realizing that it will take more than 100 years to exhaust the gravel supply, some stakeholders envision a series of projects over a long period of time, targeted where habitat is needed and coordinated with mining activities. Under state mining permits, mining companies must develop and submit reclamation plans for restoring lands previously mined and provide financial assurance for this reclamation. Some stakeholders inquire whether these reclamation plans and associated funding to carry out the reclamation might provide needed funding for potential projects or assist with improving the habitat in the area. Others contend that the anticipated timing and location of these reclamation activities are tied closely to ongoing mining locations that would likely not be opportune sites for restoration.

Fish passage at Daguerre Dam is a significant issue for stakeholders. Controlled by the Army Corps of Engineers (Corps), Daguerre Dam was created to keep hydraulic gold mining debris from moving down river. Some environmental interests view the removal of Daguerre as essential to improving fish passage. This perspective is supported by a few regulatory agencies. Stakeholders articulate several companion ideas for increasing fish passage through in-stream channel enhancement. One idea might be developing a water park in the area creating "natural" fish ladders while providing an amenity to whitewater enthusiasts. Conversely, other regulatory agencies, water purveyors, and flood interests view Daguerre as essential to regulating flows, providing gravity flow water diversions, protecting a source of groundwater recharge, and preventing predatory fish from migrating upstream. These interests support improved fish ladders as an alternative to dam removal. Some would like to see completion of the Fish Passage Improvement Program, a joint state and federal project never completed because it lacked a federal cost-share partner.

A lawsuit filed by SYRCL and Friends of the River against the U.S. Army Corps of Engineers, National Marine Fisheries Service and YWCA citing inaction to protect and recover anadromous fish species make any collaborative discussion of the future of Daguerre Dam impossible until the suit is settled.

Finally, concern exists about possible mercury and potentially other hazards that might be present in the sediment built up behind Daguerre Dam. Some report that Daguerre is periodically scoured during flood events. A U.S. Geological Service study sponsored by the Department of Water Resources suggests that there is little, if any, mercury trapped in the sediment at the Dam.

## **Restoration above Parks Bar**

Above Parks Bar, widespread consensus exists to protect spawning habitat in this reach of the river. Protecting cold flows is paramount to in-stream fisheries. Fishing interests identify spawning habitat restoration opportunities on Dry Creek and Deer Creek, both of which have salmon runs.

Land purchases are under negotiation that might create swaths of open space on the south side of the river in this reach. Open space is land left primarily natural. This open space would remain undeveloped and support oak woodland and other natural habitat. A few stakeholders would like to develop consensus among stakeholders about how to manage these lands once purchases are complete.

## **Other Processes**

Multiple collaborative efforts have taken place or are underway on the Lower Yuba River including the Yuba River Conservancy, the Lower Yuba River Technical Working Group, the Yuba Feather Work Group, the Upper Yuba River Studies Program, the Lower Yuba River Accord, and efforts to develop a parkway in the Yuba Gold Fields.

The Yuba River Conservancy was a collaborative stakeholder group which produced a strategic plan for the Lower Yuba River Corridor. Stakeholders recognize that relationships gained through this effort proved beneficial, but complain that it did not have measurable goals and outcomes that could be achieved. Ultimately, the effort dissolved.

The Lower Yuba River Technical Working Group is a stakeholder group concentrating on efforts to improve the fishery and environment in the Lower Yuba River below Englebright Dam. It was formed as a result of an article in the Narrows Hydroelectric Plant FERC relicensing agreement. This group includes the Yuba County Water Agency (YCWA), Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, the Department of Water Resources, the South Yuba River Citizen League, an environmental organization, consulting firms and others. It is a voluntary group that meets 3–4 times a year to exchange information and discuss restoration projects. They also discuss the status of fish populations, flows, and ongoing study results. The Working Group makes recommendations to PG&E and the Department of Fish & Game for possible projects to be funded by the Fisheries Enhancement Fund, but the entire group does not control the fund. Stakeholders report that the Working Group does not develop broad-scale restoration projects that might be opportune on the Lower Yuba. The Working Group is a good place to vet

projects to improve scientific merit and elements of the project, but the group does not initiate projects. However, its participants develop and have projects underway on the river, which the Working Group has reviewed.

The Yuba Feather Work Group has collaboratively addressed flood control issues in Marysville and Yuba City.

The Upper Yuba River Studies Program, a CALFED-funded program with stakeholder involvement, was designed to consider the feasibility of introducing salmon above Englebright Dam.

Two co-sponsors of this assessment are participants in the Lower Yuba River Accord. This consensus-based agreement establishes higher minimum in-stream flows, which exceed state and federal requirements for the river's Chinook salmon and steelhead. Signed in October 2007, the State Water Resources Control Board approved the Accord March 18, 2008. Seventeen stakeholders, including federal and state agencies, water suppliers and environmental interests are working together to implement this accord. The River Management Team works on fisheries studies and management and operation of the river under the Accord. The Yuba Accord is embarking on an eight-year study of current flow regimes to provide data about the fishery and help determine optimal sites for restoration projects.

Developing a parkway in the Yuba Gold Fields was the vision of Deane Swickert, a former BLM employee, who worked on this process with many interested parties. Stakeholders report that conflicts over land ownership and title, the ability for the federal public agencies to have the flexibility to agree to innovative solutions in the existing policy context, and funding ultimately undermined this process.

## **ANALYSIS**

### **Recreation**

Strong support exists for creating a trail system around Marysville and upstream to the Parks Bar Bridge; however, funding and other challenges do not support a parkway moving forward at this time.

Public access for recreation, including walking, biking, fishing and OHV use, is sought by many interest groups. Many envision a parkway similar to the American River Parkway, ultimately extending to Englebright Dam. Some access on levee tops

currently exist, but there is no continuous route around Marysville. County staff would like to pursue biking and hiking trail use on levee tops. This would likely be negotiable with existing flood control interests although some funding for trail maintenance and trash removal would be needed.

Access and land acquisition pose major challenges. Flood agencies, regulatory agencies, and landowners express concern about illegal trespass, liability, unauthorized access, dumping and vandalism. Agricultural interests believe public access will adversely affect their operations and may impose unintentional unfavorable consequences on ongoing research projects. Negotiating access across agricultural lands would be challenging.

The Yuba County Parks Master Plan establishes trails that access key natural areas as a goal. A parkway concept is consistent with the Master Plan. Landowners below Parks Bar Bridge would not be amenable to public easements, and prefer to sell their land competitively to be used for recreational purposes. Land trust funding might be available for this purpose. Unresolved land ownership, jurisdictional and rights disputes in the gold fields preclude construction of a parkway through this reach until all litigation is concluded.

However, funding for operation and maintenance is regarded as critical and likely unavailable, making this endeavor untenable at this time. In light of the current state budget crisis and declining and restricted County budgets, County priorities will necessarily focus on basic services and defer consideration of enhanced trail opportunities to a future period of prosperity.

## **Restoration**

Universal support exists for improving the Lower Yuba River fishery. Declining numbers of spring run Chinook salmon, steelhead, and green sturgeon are a concern in the Lower Yuba and elsewhere. Support for restoration activities is shared across diverse interests. The parties are readily identifiable and would like to see improvements in fish populations. Stakeholders cite habitat restoration and improved fish passage as the two best opportunities to improve the fishery.

Stakeholders believe that the fish will benefit from planting shaded riverine habitat and creating in-stream woody debris. Stakeholders also advocate for cutting "backwater" channels to create juvenile rearing habitat and resting areas. Stakeholders identify Deer Creek and Dry Creek as immediate opportune areas. Further, the parcel on the south side of the river that runs approximately 3 miles

below Parks Bar would also be available because land ownership is uncontested, and the landowner has expressed willingness to explore restoration opportunities. Areas on the north side or river right may also become available.

Environmental interests and regulatory agencies caution that given the flood history of the Lower Yuba River, care must be taken when locating restoration projects to prevent destruction during flood events. Also, flood control interests express concern for anything that impedes flows during a high water event while other stakeholders would like to explore the possibility of bypassing high flows into portions of the gold fields for flood management purposes.

While fish passage is a desirable goal, opinion is split on the best way to achieve the objective. The Yuba Accord is funding an eight-year flow study that will inform future habitat and in-stream restoration and enhancement efforts. However, in light of declining fish populations, stakeholders express strong desire to protect and recover endangered species in the near-term. Fish passage at Daguerre Dam is also a significant issue for stakeholders; however, the lawsuit on Daguerre Dam prohibits any collaborative discussion at this time.

## RECOMMENDATIONS

### 1

#### **Convene a Dialogue to Develop Habitat and Fisheries Restoration Priorities through the Existing Lower Yuba River Technical Working Group**

One primary purpose of this assessment was to examine opportunities for environmental restoration. Given the widespread support for restoration activities, CCP recommends convening a strategic planning conversation with diverse stakeholders to develop new opportunities and priorities for restoration. The charge of this group would be to develop a vision and strategic plan for restoration and provide a forum to review and coordinate proposed projects for habitat and fisheries restoration. The group could serve as a clearinghouse to vet project proposals, pool resources (both technical and financial), integrate projects across disciplines, and suggest partnerships to achieve mutually beneficial goals.

CCP recommends that the following interests be included:

- Department of Fish & Game
- Fish & Wildlife Service
- National Marine Fisheries Service

- Army Corps of Engineers
- Bureau of Land Management
- Yuba County Water Agency and Irrigation Districts
- Yuba County Government
- Environmental Interests
- Flood Control Interests
- Recreation Interests
- PG&E
- Affected Landowners, including Companies Operating in the Gold Fields

Landowners and the aggregate companies would contribute substantially to developing the goals and identifying opportunities for restoration. However, landowners and operators might want to limit participation to those conversations that discuss efforts moving forward on lands that they own or manage.

CCP recommends that the existing Lower Yuba River Technical Working Group be approached to serve as the stakeholder group to hold this strategic conversation to maximize and prioritize restoration opportunities with the goal to implement projects. The group currently serves as an information sharing and project vetting forum. The Working Group would have to revisit its mission, initiate a broad visioning dialogue to identify and build consensus on restoration priorities and opportunities, and assist agreed-upon projects to move forward. The group would strive to incorporate scientific information from studies and other existing efforts. Project approval from participating regulatory agencies would be necessary.

This group could be formally chartered with a broadened membership to include recommended interest groups. The group would then confirm its decision-making rule.

One recommended option for the dialogue group, consistent with the Working Group's existing decision-making rule, would be making decisions by consensus. Consensus means that all group members and their constituencies either fully support or can live with the decision or overall plan. Consensus does not mean one hundred percent agreement on every issue, but rather support for moving forward with a recommendation as a whole. A third party neutral facilitator would maximize the efforts of the group by providing a structured environment for all parties to collaborate together including meeting planning, preparing background material, achieving milestones, and assisting in negotiating any conflicts that might occur. A third party facilitator would allow all the interested parties to participate actively in developing the strategic vision.

The group would initially hold a strategic planning session to develop a common vision and begin setting restoration priorities. The group would then develop a work plan to clarify common goals, define its charge, and identify milestones to achieve its goals. As the group implemented the work plan and achieved some of its initial milestones, the group could tackle more challenging issues regarding fish passage.

## **2 Pursue Habitat and Fisheries Restoration Project-Specific Efforts**

Stakeholders express strong support for pursuing habitat and in-stream fishery restoration projects and believe opportunities for agreement exist now. CCP recommends that these projects proceed in parallel with the dialogue. While ideas for projects would emerge from the dialogue, momentum and interest in developing specific projects is ripe. Project development should move forward while the dialogue is taking shape. Stakeholders identify opportune areas on creeks and on the 3 miles running south of Parks Bar Bridge on river left or the south side.

Project proponents would have to come forward and engage other interested parties to ensure that the project would be acceptable to water supply, flood, environmental groups, agency, and land owner interests. Since restoration projects would not require public access across the other parcels on a regular basis, restoration projects might be feasible in certain areas of the gold fields, especially on parcels that are not under dispute. Funding for restoration projects would come from a range of sources and be procured by the project sponsor. Depending on timing, project proponents could vet projects at the existing Lower Yuba River Technical Working Group or through the dialogue group.

## **3 Conduct Funding-Contingent Initial Planning, yet Defer Creation of a Parkway**

Most participants support a Parkway moving forward around Marysville; some support extending a Parkway to the Parks Bar Bridge and beyond. However, lack of funding precludes a parkway in Yuba County in the immediate future. Funding for operations and maintenance of any trails system will be as important as funding for land acquisitions. CCP recommends acknowledging the long-term benefit of constructing a parkway and deferring the design and planning of an extensive parkway, consistent with the County Parks Master Planning process, until a time when the budgetary environment is more favorable. However, in the near term,

parkway funding from the Resources Agency, if it could be acquired, could support some initial planning efforts to explore trails on levee tops and around Marysville. These are the areas where opportunity exists to develop some type of trail that could begin to shape a parkway corridor in the Lower Yuba River. Then, when conditions are right, CCP recommends pursuing a phased approach to the creation of a Lower Yuba River Parkway.

The first phase would explore a parkway around Marysville, where stakeholders articulate strong support. Depending on the feasibility and success of completing this segment, the County could then consider Phase 2, extending the Parkway to Parks Bar Bridge, the next segment most likely to gain support. Currently, land and title ownership conflicts would prevent any successful recreation outcomes in the gold fields on river left or the south side of the river. Mineral rights and ownership conflicts must first be resolved to make the gold fields available for recreation. Even if lands with undisputed ownership might be available for recreation, providing access to those isolated parcels would be challenging, creating a piece-meal approach that land managers, like State Parks, say is difficult to manage.

Given the multitude of issues that would need to be addressed to design and construct a trail or parkway, CCP recommends that when conditions are conducive to success, a task force guide planning, design and implementation. The task force should have stakeholders that represent all the major interests that might support or criticize the parkway. A focused planning task force could assist the County with the parkway design, construction, implementation, and funding. Stakeholder representatives would need to include environmental, flood, recreation, and agricultural interests, regulatory agencies, and landowners, and involve young people, families with children, adults without children, and seniors. Flood concerns would also have to be addressed as part of the design process.

## **CONCLUSION**

While support exists for both restoration and recreation in the Lower Yuba River, budget constraints currently limit recreation opportunities. At this time, the parkway concept, while enjoying substantial support, should be deferred until new economic and political conditions emerge. However, if funding could be secured from the Resources Agency, some initial trail planning could move forward. For restoration, small, focused restoration efforts should be initiated by sponsors who can demonstrate leadership and garner funding. A dialogue group could further maximize opportunity to restore the Lower Yuba River by setting forth a broad vision and

priorities for restoration and suggest projects and partnerships to achieve mutually beneficial goals. The dialogue group would have broad representation working together in a consensus-based effort. The immediate next steps would be to approach the Lower Yuba River Technical Working Group about broadening its membership and scope and to convene a dialogue to develop broad restoration priorities and implementation strategies. These recommendations, coordinated with existing water management, restoration, and study efforts, have the potential to improve habitat and fisheries consistent with universal regional support to enhance the unique Lower Yuba River.

## **SUPPORTIVE MATERIALS**

Lower Yuba River Accord

[Yuba County Parks Master Plan](#)

Yuba River Conservancy Strategic Plan

## APPENDIX A: INTERVIEWS CONDUCTED FOR ASSESSMENT REPORT

1. Curt Aikens and Scott Matyac, Yuba County Water Agency
2. Pat Ajuria, Marysville Levee Commission
3. Steve Casey and Dave Lamon, City of Marysville
4. Janet Cohen, Yuba River Land and Water Trust
5. Marty Coleman-Hunt, Nevada County Land Trust
6. Art Craigmill and Dustin Flavell, University of California, Agriculture & Natural Resources, Sierra Foothill Research & Extension Center
7. Dana Davis and Michael Smith, Teichert Materials / Aggregates
8. Ted Frink, California Department of Water Resources
9. Shawn Garvey, Yuba River Land and Water Trust
10. Don Graham and Richard Webb, Reclamation District 784
11. David Greenblatt, Western Aggregate
12. Doug Grothe, U.S. Army Corps of Engineers
13. Bill Haigh, Bureau of Land Management
14. Bob Kingman, Sierra Nevada Conservancy
15. James Nivicki, California Department of Fish & Game
16. Kevin Mallen, Yuba County Community Services & Development Agency
17. Linda McCay, Property Owner
18. Ron Munson, California State Parks
19. John Nelson, Retired, California Department of Fish & Game
20. Robin Park, Trust for Public Land
21. Russ Pinto, Western Rivers Conservancy
22. Jason Rainey and Derek Hitchcock, South Yuba River Citizen's League
23. Frank Rinella, Gold County Fly Fishers
24. Steve Schoenberg, Fish & Wildlife Service
25. Phil Sutherling, Property Owner
26. Dean Swickert, Retired, Bureau of Land Management
27. Richard Thomas, Friends of Spenceville
28. Water Districts:
  - a. Bill Baggett and Don Staas, Brophy Irrigation District
  - b. Walter Cotter, Browns Valley Irrigation District
  - c. Charles Matthews, Cordua Irrigation District
  - d. Jack Gilbert, Dry Creek Irrigation District
  - e. Mike Felice and Steve Springer, Hallwood Irrigation District
  - f. Jim Vantress, Ramirez Irrigation District
  - g. Mike Rue, South Yuba Irrigation District

## **APPENDIX B: SAMPLE INTERVIEW QUESTIONS**

### Introduction

- Please describe your history and/or your organization's history with the Lower Yuba River.
- What kind of work (formal or informal) are you doing now in the Lower Yuba?

### Possible Futures

- What, if anything, would you like to see happen on the Lower Yuba River in the future (the future could be 5 years, 25 years, 100 years)? (Above Parks Bar Bridge, Below Parks Bar Bridge) How would you envision that happening? Who would need to be involved? What kinds of benefits would this afford?
- How would you respond to the idea of developing a Parkway or Pathway in the Lower Yuba? How would others respond to this idea?
- What potential roadblocks could occur for any of these to occur?

### Range of Issues

- What issues will need to be addressed if discussions about a Parkway or the Lower Yuba were to move forward?
- Who else is interested in issues related to the Lower Yuba? What are their concerns?
- How would you characterize areas of agreement and disagreement among interested parties?
- Which of the above issues are particularly "ripe" for resolution?
- What opportunities, if any, do the Yuba Goldfields provide for flood management? If yes, how would you envision this occurring?

### Structure of Future Discussions

- If some type of formal discussion were to take place, who would need to be present to ensure that the outcome would be successful? (Who could sabotage any effort?)
- What kinds of background or technical information would you need to assist with any discussions?

### Wrap Up

- What other related efforts are underway that I should know about?
- Who else should I speak with to understand these issues?
- Is there anything else that you would like to discuss or that I should know?

## **APPENDIX C: INFORMATION ABOUT THE CENTER FOR COLLABORATIVE POLICY**

The Center for Collaborative Policy is a unit of the College of Social Sciences and Interdisciplinary Studies at California State University, Sacramento. The Center was established in 1990 as the California Center for Public Dispute Resolution, a joint program of California State University Sacramento and the McGeorge School of Law, University of the Pacific. The mission of the Center is to build the capacity of public agencies, stakeholder groups, and the public to use collaborative strategies to improve policy outcomes.

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