



Save the American River Association

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April 2, 2014

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812 - 0100

Dear Mr. Howard:


Subject: Complaint. Failure of the Bureau of Reclamation to operate the Folsom / Nimbus facilities in a manner that keeps Chinook salmon and steelhead trout that utilize the Lower American River ecosystem "in good condition," failure to enforce Fish and Game Code Section 5937, and failure to protect the Public Trust. (See attached).

The Bureau of Reclamation operates the Folsom / Nimbus facilities of the Central Valley Project. Such operations have caused and continue to cause irreparable harm to fish and fish habitat, other Public Trust uses and values of the Lower American River in violation of California Fish and Game Code Section 5937; the California Constitution, Article X, Section 2; Section 401 of the Federal Clean Water Act; and the Public Trust Doctrine.

This complaint is within the meaning of People v. Kerber (152 Cal.731, 732-736, 1908). There is no statute of limitation on a member of the public to compel the State Board to modify a previous decision such as D-893. The State Board should take all necessary action to modify the Bureau's operation or recommend modifications to facilities to protect ecological conditions (including water quality) and the trust resources of Chinook salmon and steelhead trout in the American River. This complaint is timely because harm from the Bureau's operation of the Folsom / Nimbus facilities is ongoing and has been so since 1955.

Please advise of any action the State Board takes regarding this complaint.

Sincerely,


Stephen Green – President
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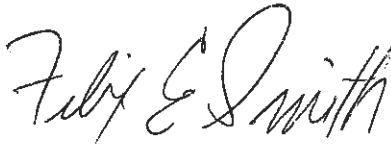
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A handwritten signature in black ink that reads "Felix E. Smith". The signature is written in a cursive style with a large, stylized "F" and "S".

LARCompCvltr