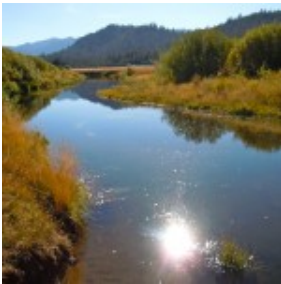


California creeks, levees may be next battleground for public access

By Matt Weiser, Sacramento Bee

It was January 2010 when Shawn O'Brien visited her favorite paddling spot on Cache Creek, in Yolo County's scenic Capay Valley, and noticed something wasn't right.

The path to the water alongside Rumsey Bridge, which she had used for a decade to launch her canoe, was obstructed. Tree limbs, stumps and brush had been piled against the bridge, blocking the popular path.



For now, the Upper Truckee River is not part of discussion.

Photo/LTN file

In subsequent visits over the next few months, the debris pile grew larger and the message became clear: The public wasn't welcome.

"I was so disappointed," said O'Brien, who lives in Ukiah. "It made me crazy, and so I kind of went to work."

O'Brien thus became another agitator in the loose cadre of

citizens fighting to protect access to creeks and rivers.

Public access to coastal beaches has been a high-profile struggle for decades. The same battle on inland waterways, however, has received far less attention. The public has similar legal rights in both situations, but the legal thicket seems to get bigger as the waterway in question gets smaller.

“Even as an experienced attorney and kayaker, it’s hard to know what to do to approach this problem,” said Walter Schmelter, a Sacramento attorney and longtime kayaker who teamed with O’Brien to fight for access to Cache Creek. “It’s a daunting task for an individual of any stripe.”

One of the biggest fronts in the battle may become the Sacramento-San Joaquin Delta, where 1,000 miles of levees have provided public fishing access for more than a century. In recent years many of those levees have sprouted forbidding “No Trespassing” signs.

The California Constitution since 1879 has guaranteed the public the right to access waters of the state. In addition, the water itself and the fish that swim in it are legally owned by the public.

Yet ensuring that citizens can reach the water and its fish is not always simple.

Read the whole story