



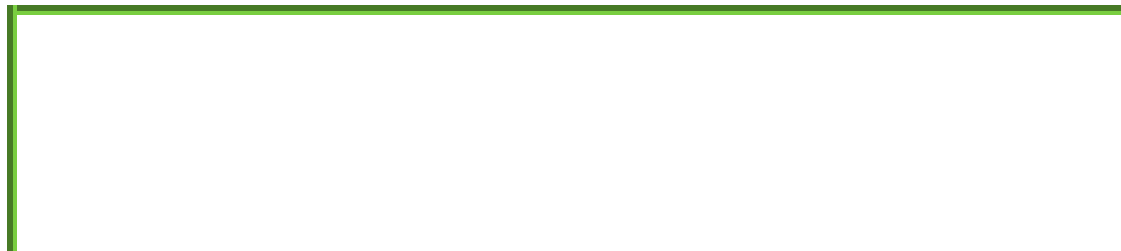
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participation in sustainable land use planning since 2006***

The Community Action Project (CAP) administers the Calaveras Planning Coalition (CPC), which is comprised of regional and local organizations, community groups, and concerned individuals who promote public participation in land use and resource planning to ensure a healthy human, natural, and economic environment now and in the future.

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Join Us!

*Get a glimpse into what CPC membership is like by attending a meeting.
There is no commitment, just show up and listen in!*

Next Calaveras Planning Coalition Meeting December 6, 2021 3 P.M. - 5 P.M. New Members Welcome at CPC Meetings

Organizations, groups, and individuals (known as associate members) may join the Calaveras Planning Coalition (CPC). Prospective members may attend two consecutive meetings before making a final decision on membership in the Coalition. The membership form is a pledge to support and advocate for the Coalition's eleven Land Use and Development Principles, which you will find on our website:

www.calaverascap.com.

There is no membership fee. However, members are encouraged to donate to the Community Action Project/Calaveras Planning Coalition. Visitors and prospective members will, by necessity, be excluded from attorney/client privileged discussions.

If you are interested in membership, please email CPC Facilitator Tom Infusino, tomi@volcano.net, to receive a membership form, agenda, and the Zoom meeting connection.

To help prevent the spread of Covid-19 in our county, all CAP and CPC meetings will be held online via Zoom until restrictions are lifted by the Public Health Department.

Happy Holidays

MAKE A DONATION AS A HOLIDAY GIFT

Dear Friend,

When shopping for holiday gifts this season, please keep the Community Action Project (CAP) and the Calaveras Planning Coalition (CPC) in mind. There may be people on your list who will truly appreciate having a donation to CAP/CPC made in their name rather than receiving a gift basket or a bottle of wine.

Making a donation to CAP/CPC is a unique way to show friends, family members, and co-workers that you are thinking about them during the holiday season. Whether you make a donation instead of purchasing a traditional gift or make a donation as an add-on, it is a truly thoughtful opportunity to spread a message of community solidarity and hope for a better Calaveras County in the new year.

It's easy to make a charitable gift for the people on your list who will appreciate such an expression of generosity. **Simply visit calaverascap.com to make your donation via PayPal.** If you prefer, send your check to CAP/CPC, P.O. Box 935, San Andreas, CA 95249 along with the recipient's name and address on the attached form so we can send an acknowledgement of your gift. Donations can be made in any amount.

If you are paying via PayPal, please email the gift recipient's information to **calaverascap@gmail.com** with "gift donation" as the subject. You may also combine multiple gifts in one payment. For example, a donation of \$200 may be given as four \$50 gifts. Just include that instruction in your email or with your check.

Once you have purchased your gift donation, the recipient will receive a "Happy Holidays" certificate (see below) showcasing the donation amount and the recipient's name, and, of course, the certificate will let them know it's from you. All funds raised through holiday gifts will go directly to support the important work of CAP/CPC in our fight to ensure a healthy human, natural, and economic environment now and in the future. Please make a decision to give today.

Happy Holidays and best wishes to you and your loved ones during this season of love and charity and all year long. Thank you.

Regards,

Joyce Techel, Co-Chair

Community Action Project

Note: The Calaveras Community Action Project is fiscally sponsored by Ebbett's Pass Forest Watch, a federally designated 501c(3) nonprofit organization. Your donation is tax-deductible. Our federal tax ID number is 68-0466959.



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Board of Supervisors December 6 2021

Agenda Upcoming

Planning Commission December 9 2021

[Agenda](#)

Local News

Atmospheric river drenches Mokelumne River fall salmon run

Dan Bacher / The Stockton Record / November 23, 2021

CLEMENTS – The Mokelumne River was seeing an outstanding run of fall chinook salmon at the fish hatchery [when the atmospheric river hit](#) on Oct. 24-25.

“We lost a lot of our fish,” said William Smith, manager of the Mokelumne River Fish Hatchery. “The Cosumnes River went up to 14,000 cfs (cubic feet per second) and every creek in the region came up with the storm. As a result, the salmon scattered throughout the Valley. Meanwhile, the releases from Camanche Dam were still 250 cfs.”

“The rain was a blessing for some, but not for us,” he stated.

Smith said the Mokelumne was on pace to get 12,000 to 15,000 adult fall-run fish this season, but now there are barely 4,000 fish in the river.

“The majority of fish in the river are jacks, not adults. There are not even 1,000 adult females in the river now,” he said.

The latest fish count over the Woodbridge Diversion Dam was 4,050 salmon, but only 320 came up over the past week.

Smith said they are considering options to meet the shortfall in eggs if more fish don’t arrive before the end of spawning season. Last year they obtained 1.5 million eggs from the Feather River Hatchery to meet their shortfall.

To date they have taken 3.5 million eggs, most collected before the storm. Their egg-take goal is 7.1 million and the production goal is 6.4 million salmon smolts.

Steelhead are now also showing at the hatchery, with 115 reported to date.

At Nimbus Fish Hatchery on the American River, the return of fall chinook salmon to the hatchery is “looking good,” said hatchery manager Gary Novak.

“We should have no problem getting the fish to meet our production goal of 4.5 million smolts this coming year. We have taken a total of 2.9 million green eggs to date. Also, around 50 percent of the fish we’re seeing at the hatchery are jacks (two-year-old fish).”

The 4.5 million salmon smolts include 500,000 additional fish to combat effects of the drought.

The steelhead seen to date are Central Valley strain steelhead in the 16- to 18-inch range, probably from the Mokelumne River Fish Hatchery, “We didn’t spawn these fish – we returned them all to the river,” he explained.

Fall-run chinook salmon spawning operations have successfully concluded at the Feather River Fish Hatchery. Penny Crawshaw, fish hatchery manager 1, said the CDFW has taken

15.7 million eggs from the fall chinook that they spawned this year. Their production goal for this coming year is 7,750,000 salmon smolts, including 1.75 million additional smolts.

While the numbers of fall chinooks showing “are a little less than last year,” she said the spring run was “phenomenal,” with 3.1 million eggs taken to reach a production goal of 2 million.

Crawshaw added that hatchery staff released 32 male and 31 female steelhead back into the river on the last day of salmon spawning.

The Coleman National Fish Hatchery on Battle Creek has also completed spawning salmon for the year and is on track to meeting their production goal of 12 million fall chinook salmon, according to Bob Null, deputy project director. The hatchery staff has collected 20 million eggs and the preliminary count of salmon returning to Battle Creek this year is 35,000 fish.

Delta sturgeon: Delta sturgeon trips are producing an average of two to four fish a day, according to Zack Medinas of Gatecrasher Fishing Adventures. Four anglers fishing with Medinas on Friday caught and released two slot-size sturgeon measuring 46 and 58 inches, one 64-inch oversized fish, and two shakers while fishing salmon roe and eel off Sherman Island in 28 feet of water. Information: (925) 497-7171.

Crab/rockfish Combos: The California Dawn reported 25 limits of rockfish and 25 limits of Dungeness crabs during their trip to the Farallon Islands on Sunday, Nov. 21. Information: (510) 417-5557.

Contact Record Correspondent Dan Bacher at danielbacher53@gmail.com.

County resident dies with COVID-19; U.S. fatalities surpass 2020

The Valley Springs News / November 24, 2021

Another Calaveras resident has died with COVID-19.

Calaveras Public Health on Monday reported the latest coronavirus fatality was a woman in her 50s. No other information was released.

Since the county’s first fatality was announced on July 20, 2020, 86 residents have died with the disease. The local death toll was 22 in 2020 and 64 so far this year.

To schedule a no-cost COVID-19 vaccination appointment go to <https://myturn.ca.gov/>.

Vaccinations in the county began on Dec.17, 2020, and since then 56.93 percent of the county’s eligible population has been vaccinated. The U.S. vaccination average is 58.9 percent.

There have been 4,271 confirmed cases of the virus in the county as of Monday, with 27 active cases and three hospitalizations. Calaveras County does not disclose vaccination status for new coronavirus cases or deaths.

More Americans have died of COVID-19 in 2021 than in the first year of the pandemic, according to Johns Hopkins University and the Centers for Disease Control and Prevention.

The figures from the CDC and Johns Hopkins were published by the Wall Street Journal, together with other information the newspaper collected from several health care and insurance company studies. The total number of deaths due to the pandemic hit 770,800 on Saturday, with 385,343 deaths in 2020 now surpassed by 385,457 deaths in 2021 and six weeks are left in the year.

Fresno unveils affordable housing for formerly homeless residents with mental health needs

Cassandra Garibay / Fresno Bee / November 17, 2021

A new supportive services housing apartment complex for formerly homeless residents with mental health needs was unveiled in Fresno on Wednesday.

Created in partnership between Fresno Housing and the Fresno County Department of Behavioral Health, the 28-unit Village at Paragon will offer on-site services, such as case management and mental health services. This is the fourth Fresno Housing development that is run in partnership with DBH.

"Stable housing is a critical element of healthcare," said Susan Holt, who will be taking over as interim director of the department when [current director Dawan Utecht leaves Dec. 3](#).

Unlike temporary shelters for people experiencing homelessness, the Village at Paragon is a permanent housing facility.

"We know in behavioral health that stable housing is the foundation of recovery," Holt said. "If any one of us here today were to pause and think about after our day is done, going to a place with no roof. How would we address our healthcare needs?"

The project was funded by the No Place Like Home Program, and was one of the first projects to be completed from the eight initially approved by the state. The state program, established in 2016, provides funding for the acquisition, design construction and rehabilitation of permanent supportive housing for unhoused people.

According to Brandi Johnson, communications director for Fresno Housing Authority, more funds from No Place Like Home will support housing projects slated to open in early 2022.

The \$3.6 million supportive housing project revitalized a vacant building owned by Fresno Housing into one- and two-bedroom affordable units. Johnson said the cost of each unit will be roughly 30% of a tenant's adjusted income, but will vary, based on the tenant.

Nearly all units have been filled, and final eligibility meetings will be held this week to fill the remaining available units, Johnson said. The complex is made up of 25 one-bedroom units, two two-bedroom units and a unit for an on-site manager.

"It takes a battalion of committed people for the long haul to produce projects like this," said Tyrone Roderick Williams, the recently appointed CEO of Fresno Housing.

"What we've done here is great, and I want to say thank you from the Board of Supervisors but I can't stress enough that we are only scratching the surface when it comes to providing affordable housing," Fresno County Supervisor Nathan Magsig said during the unveiling. "This is one step in the right direction."

He added that more must be done.

Fresno City Deputy Mayor Matthew Grundy said the project highlights "rehabilitation" and "rebirth" and that Fresno has great need for affordable housing.

"We think there is generational change that is happening here," Grundy said, "and we hope that will be a key stepping stone."

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Regional News

A plan to give homeless people the right to housing roils Sacramento

Benjamin Oreskes / LA Times / November 19, 2021

On Tuesday, Sacramento Mayor Darrell Steinberg introduced what he is calling a "Right to Housing" for the city of Sacramento — and a concomitant "obligation to accept housing." (Associated Press)

For years, Sacramento Mayor Darrell Steinberg has spoken out about the need for more housing and shelter for homeless people in his city.

His push hasn't just been about building. It's also focused on [establishing some form of a legal obligation](#) for government to provide a roof for people who have nothing. That ideological journey hasn't been a straight line for the former state legislator who authored California's Mental Health Services Act.

It started with a call for a legal right to shelter in 2019 when he served as co-chair of a statewide task force about homelessness.

This idea was met with skepticism and didn't move beyond the whiteboard. Last year, Gov. Gavin Newsom vetoed legislation creating a right to housing, [saying he worried](#) it would be too expensive. During that time, Steinberg continued chewing on the idea, looking at places [such as New York City](#) and [Scotland for](#) ideas on how to enact legislation that would compel government to act and aid homeless people.

On Tuesday, Steinberg took another step forward, introducing what he [is calling a "Right to Housing" for](#) the city of Sacramento — and a concomitant "obligation to accept housing" on the part of the unhoused. Places such as New York City have some form of a right to shelter, but these are byproducts of litigation and not something independently put on the books by elected city officials looking for solutions.

Government is "not motivated to act with greater urgency ... because housing people is not required," he said.

Despite some trepidation, several councilmembers said they appreciated the audaciousness of the proposal and thought it would spur broader conversation about how to help better help homeless people in Sacramento. But if the ordinance were to pass, Sacramento would be stepping into an unknown — and it's that uncertainty and the way the ordinance is written that has led to questioning from some of Steinberg's colleagues, constituents and advocates for homeless people.

Steinberg's proposal calls for the city to build enough shelter and housing for homeless people by 2023 — an ambitious timetable. It also creates a process in which homeless people have the ability to file a complaint with a judge asking for some form of shelter.

The ordinance, which would take effect in 2023 if passed, also requires the city to offer two different forms of shelter — for example, a spot in a hotel or a place in a sanctioned tent encampment. If, in certain parts of the city, there's enough shelter capacity to make these offers and people don't accept, then the city can enforce anti-camping rules.

This drew the ire of activists who called into the city council meeting Tuesday and zeroed in on how the proposal would allow the city to sweep people out of certain locations. Their frustration, which sometimes boiled over into profanity-laced excoriations of the mayor,

focused on how it allows the city to make offers of interim housing in shelters and sanctioned tent sites rather than in permanent housing.

The ordinance says these sorts of locations can be used "so long as the temporary shelter placement includes a plan for each person to attain permanent housing." That language is far too vague for many, suggesting that the ordinance is really about clearing out visible homelessness. The last federally mandated count in 2019 found about 5,500 people were homeless in Sacramento County on a given night and estimated that up to 11,000 people in the county [experienced](#) homelessness at some point that year.

Local officials [calculated](#) in 2019 that Sacramento County has 36 homeless people for every 10,000 residents, while Los Angeles County has about 58 per 10,000. But as in Los Angeles, much of the homelessness is concentrated in the city of Sacramento, which has about one-third of the county's overall population of 1.5 million.

Joe Smith, advocacy director for Loaves and Fishes, a Sacramento nonprofit, called Steinberg's proposal "vague."

"Where will they go? What will be offered to them? Who will and how will they be compelled to move," Smith said.

"Let's start with a plan to build homes."

Steinberg has devoted \$100 million to homelessness over the next two years, using money that has flowed to the capital from the state and federal governments. That money made [possible](#) a master siting plan for a slew of new interim and permanent housing construction, which could end up getting about 9,000 people off the streets. The majority of the new building would be devoted to interim housing. At the meeting Tuesday, Steinberg said he wouldn't use money from the city's general fund to do more building. It is incumbent that the state and federal government pony up more money to help, he said.

Steinberg's desire to create a right to shelter and an obligation for people to accept it is based on broader assumption. He said he thinks that passing the ordinance will be the catalyst for more action from government, the philanthropic world and private developers. The city is in profound need of more affordable housing. A recent report found that Sacramento needs [16,769 new housing units for low-income residents by 2029](#).

Advocates who spoke at the meeting said Steinberg would be better served by requiring that a larger percentages of new housing to be set aside for people who are poor.

"Our neighbors need housing, not more trauma," said one resident, Rose Cabral. "The focus should be on what we want to see in regard to housing, which is the problem, and less on our unhoused neighbors, who are not the problem."

Steinberg insisted that outreach workers would be leading the way in trying to get homeless people to take offers of shelter. Cops wouldn't be involved, he said. Still there's a need to have some mechanism to keep streets clear and clean, he added.

No vote was taken on the proposal Tuesday evening, and it was sent to one of the council's committees for more scrutiny. Throughout the meeting Steinberg insisted that the draft

ordinance was a start and welcomed suggestions about how to improve it. Most members of the City Council were supportive in some form — but wanted to know more.

One key area of concern was how it might conform [with the Boise vs. Martin court decision](#), which prohibits cities from ticketing or arresting homeless people for sleeping or camping on public property unless there are shelter beds available as an alternative. The specter of the ruling lurks in the background as elected officials up and down the state contemplate how to create rules about where people can sit, sleep or lie. During the meeting, a city official pointed out that on a nightly basis, Sacramento's interim housing options are nearly always at capacity.

Los Angeles recently [instituted](#) a new package of anti-camping laws, which include a requirement that outreach workers document the offers of shelter they have made to people before forcing them to move.

Steinberg, a lawyer by training, said that municipalities have very little clarity about the ramifications of the Boise ruling.

"Everybody has a different interpretation of what we can and can't do," he said.

Eric Tars, an attorney with the National Law Center on Homelessness & Poverty who worked on the Boise case, disagreed and said that he had been encouraged when he heard that Sacramento was considering a right to housing but disappointed in the resulting ordinance. He doesn't buy that the city will be induced to create more housing. He also said that the plan should do more to clearly define what permanent housing the city is obligated to offer, and how it's going to get to that goal.

He said the only option for unsheltered Sacramentans will likely be various forms of interim housing, where they will get stuck because there's so little affordable permanent housing available.

"I like the fact that they passed a comprehensive plan to do siting [of new shelters and housing], to make sure that there's some options in every district of the city. That sounds like a very good practice," Tars said.

"Still it sounds like they want to be able to take people from where they are, move them wherever they say they should be, and call it a 'right to housing.' That doesn't sit well with me."

Memo Montes has been living on the streets for more than six years with his pit bull Weepers, whom he adopted while he was homeless, in a tent whose bottom is covered in carpet samples with names such as "spice cookie."

Montes, like many living close to Sacramento's "safe ground" sanctioned tent camping site, had heard about Steinberg's proposal and had doubts.

"What happened to constitutional rights?" he asked. "People have different ways of living."

Montes is a methamphetamine addict and former Marine who estimates he has spent about 36 of his 64 years incarcerated and gets by "selling anything I can except myself." He would

never leave Weepers, whom he found at age 5 weeks and bottle fed. He also doesn't want treatment for his addiction, which he believes he can fight himself. He said he has cut his habit down to about \$20 a day.

"I am ashamed of where I live, but I am alive," he said, rubbing at a painful spider bite on his hand. "I got myself on [meth], I can get myself off."

Steinberg has already said he'd be willing to amend ordinance to ensure that people could bring their pets and possessions into whatever form of shelter they choose.

Though Montes has tried and failed to get help with housing, he said a mix of personal troubles, including his addiction, as well as bureaucratic hurdles, keep him from success.

"Every time I get close, I have trouble keeping my appointments," he said, hugging Weepers for support. "I'm lost."

Nearby, in an RV with a bright green charcoal grill out front and blue fabric hung over the windows, Aaron Lau also had heard of the proposal and was leery.

He and his wife, Madeline, had inherited a house in nearby South Sacramento, but lost it to a tax lien. A friend gave them the RV, and they've been living in it since July.

He doesn't want just any housing, he said. "I don't want to go to a halfway house, or a house with 10 people in there and two bedrooms," he said. He'd take a hotel or something more private, but, "you can't force anybody to do what they don't want," he said.

Steinberg said he sees the draft ordinance as a provocation to do something different. He recognizes it's imperfect but also knows he can't wait. His hope, he said, is that the debate in Sacramento will inspire other cities and the state to act in a similar manner.

Times staff writer Anita Chabria in Sacramento contributed to this report.

This story originally appeared in [Los Angeles Times](#).

Rents are increasing at a breakneck speed nationally: These smaller cities have been hit hardest by pricey leases

Swapna Venugopal Ramaswamy / USA TODAY / November 24, 2021

Rents have spiked throughout the country in the last year, but smaller cities have been hit particularly hard.

Topping the list for the highest rental increase for a one-bedroom apartment was Gilbert, Arizona, a town with a population of 267,000, where rent jumped 117% from September 2020 to \$1,866 in September 2021, according to an analysis by Apartment Guide.

Seven of the top 10 cities that experienced the biggest surge in rents for one-bedroom apartments have populations of 300,000 or less.

Other small cities in the top 10 include Spokane, Washington; St. Petersburg, Florida; Boise, Idaho; Birmingham, Alabama; Irvine, California; and Scottsdale, Arizona.

While rents continue to rise at a breakneck speed nationally, increasing by 20% from September 2020 to September 2021, renters in the top 10 cities experiencing the biggest rental hikes were shelling out at least 40% more.

Brian Carberry, senior managing editor for Apartment Guide, says the shift began during the pandemic when remote work options enabled more people to move out of larger cities.

"Smaller cities on a whole tend to not have as much inventory as larger cities, so when the competition increases, rent prices tend to go up as well," he says.

He also said some smaller cities may be actively working to revitalize their downtowns to attract more residents, and as apartment buildings open, landlords may price them a bit higher as they are new and in popular areas.

If a greater number of higher-priced rentals go on the market in an area, it will drive up average rent, he said.

Six of the cities with the biggest increases in two-bedroom rent prices year-over-year also have populations of 300,000 or less.

They include Huntington Beach, California; Reno, Nevada; Hialeah, Florida; Irvine, California; Glendale and Scottsdale.

For example, in Huntington Beach, rents surged by 59% to \$4,252 for a two-bedroom lease.

In October, shelter costs, which make up one-third of the consumer price index, increased 0.5% and are now up 3.5% year-over-year, contributing to the overall three-decade high inflation rate of 6.2% compared with a year earlier.

Rents will continue to be a persistent factor in rising inflation rates, says housing analyst Logan Mohtashami.

"We have a lot of people who weren't able to buy a house because they've lost their bids in a very low inventory environment," he says. "So you have some very well-to-do households that easily have the ability to pay these higher rent increases."

The trend of rising rents is here to stay because millennials, the largest demographic group in the U.S., are entering their homebuying years, he says.

Rents for single-family homes rose 10.2% nationally in September, the fastest year-over-year increase in 16 years, according to a new report from CoreLogic.

The rental rates for single-family units nearly quadrupled from a year ago, the report found.

"Strong job and income growth, as well as fierce competition for for-sale housing, is fueling demand for single-family rentals," writes Molly Boesel, the principal economist for CoreLogic, who authored the report.

Miami topped the list with the highest year-over-year rent growth in September with an increase of 26%, followed by Phoenix at 20%.

The vacancy rates of single-family rental homes remained near 25-year lows in the third quarter of 2021, pushing annual rent growth to double-digits in September.

"Rent growth should continue to be robust in the near term, especially as the labor market continues to improve," says Boesel.

1. Cities with the biggest increases in one-bedroom rent prices year-over-year

Gilbert, Arizona: (+116.5%)

Spokane, Washington: (+69.3%)

Long Beach, California: (+66.3%)

New York, New York: (+58.2%)

St. Petersburg, Florida:(+56.7%)

Boise, Idaho: (+49.1%)

Birmingham, Alabama: (+47.3%)

Irvine, California: (+46%)

Santa Ana, California: (+44.5%)

Scottsdale, Arizona:(+44.1%)

2. Cities with the biggest increases in two-bedroom rent prices year-over-year

Santa Ana, California: (+60.2%)

Huntington Beach, California: (+58.5%)

Reno, Nevada: (+57.9%)

Hialeah, Florida: (+49.2%)

Fresno, California:(+46.5%)

Irvine, California:(+45.8%)

New York, New York:(+43.3%)

Glendale, Arizona: (+41.9%)

Raleigh, North Carolina: (+39.6%)

Scottsdale, Arizona: (+39.6%)

(Source: Apartment Guide)

Swapna Venugopal Ramaswamy is the housing and economy reporter for USA TODAY. Follow her on Twitter @SwapnaVenugopal

The Supreme Court's Decision on the Mississippi-Tennessee Aquifer Conflict Will Change U.S. Water Wars

Madeleine Carlisle / Time / November 23, 2021

On Monday, the U.S. Supreme Court unanimously [rejected](#) Mississippi's claim that Tennessee was stealing its groundwater in a decision that legal experts say could have major implications for future battles over water amid the worsening climate crisis.

If the Supreme Court had sided with Mississippi, it would have "created chaos in the long-established world of interstate water allocation," says Christine Ann Klein, a professor at the University of Florida Levin College of Law who specializes in water law. "[The ruling] is a very big deal."

The term "groundwater" refers to freshwater that's stored beneath the earth's surface. Groundwater makes up about 50% of municipal, domestic and agricultural water supply, [per the U.S. Environmental Protection Agency](#) (EPA). (The term "surface water," on the other hand, refers to any body of fresh water that's above ground.)

Monday's case stretches back to 2014, when Mississippi sued Tennessee for allegedly stealing its groundwater by allowing a Memphis water utility company to pump from the Middle Claiborne Aquifer, which sits below the Mississippi-Tennessee border. Mississippi argued that it had owned that water since it entered the United States in 1817, and sought \$615 million in damages from Tennessee.

The Supreme Court disagreed. Instead, the high court ruled that the legal doctrine of "equitable apportionment"—which has long been used to determine what states get control of interstate surface water—also applies to groundwater. Both Mississippi and Tennessee can use the Middle Claiborne Aquifer. But if they want an official decree dictating how they have to share it, they'll need to go through an "equitable apportionment" process, in which they must go before a court and argue their case. That court will then divide up the water as it sees fit.

In other words, the high court ruled that "states have to share," writes Robin Craig, a professor at the University of Southern California Gould School of Law who specializes in water law. "They can't claim all the water for themselves."

Monday's ruling was the first time the Supreme Court has ever weighed in on the issue of interstate groundwater. The unanimous ruling not only ended Mississippi and Tennessee's long-running dispute, but also provided a framework for other legal battles that may emerge in the coming decades, says Craig. Now, in order to claim legal ownership of both interstate groundwater and surface water, states will need to go through the "equitable apportionment" process to determine who gets what.

As the climate crisis intensifies and droughts worsen, particularly in the American West, groundwater will only become a more precious resource—and interstate groundwater disputes will likely become more common, she argues. Craig points to the fact that Utah and Nevada have come close to litigation over the issue, and the High Plains (Ogallala) Aquifer, which runs through the Great Plains, is [already being heavily mined](#). There are dozens of aquifers spread across numerous states.

In Klein's opinion, the case helps bridge the gap between the way litigation has historically treated groundwater and how scientists understand groundwater actually works. "The law often treats groundwater differently than surface water, partly as a relic of slow-developing hydrologic knowledge," she says. But at this point in 2021, she adds, researchers have found "little justification" for the separate treatment of surface and groundwater.

If Mississippi had been awarded the \$615 million it sought, she says, "groundwater wars would have become very expensive, very fast," says Craig. But instead, the high burden the Supreme Court set for proving injury in the case, might encourage states to negotiate amongst themselves to share aquifers, rather than immediately heading to court for damages.

[Sierra Nevada
Conservancy
Funding
Opportunities
Newsletter
for November/D
ecember](#)



This is an electronic newsletter published every two months containing information on upcoming grant and funding opportunities for the Sierra Nevada region. The newsletter includes federal, state, and private foundation funders as well as additional resources and information related to grant funding. The Sierra Nevada Conservancy provides the Funding

Opportunities Newsletter as a free resource under its Sierra Nevada Watershed Improvement Program.

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