

# The Lake Merritt Institute

A COMMUNITY BASED, NON-PROFIT CORPORATION

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**ONE COMMERCIAL FISH NEWS ARTICLE OVERBLOWN:** Two articles on incidents of commercial fishing in Lake Merritt recently appeared in local newspapers. In one of them, the validity of the incidents was called into question. Here are the photos and here are the facts.



*Fishermen with traps at dock in Lake Merritt*



*Traps removed from Lake Merritt*

On March 24<sup>th</sup>, fishermen were photographed removing numerous traps from Lake Merritt. Such traps had been reported several times by several people this year, including gondolier Angelino Sandri, who sometimes rows the Lake at night. Institute director Bailey photographed the nets and requested to see their permit, which is required by the state Department of Fish & Game (DFG) for such activity. The fishermen said they had twenty traps. The number on the permit, and the license plate number were transmitted to warden Bowers, who had been to the Lake previously in search of such traps. The permit is valid, but since Lake Merritt is a wildlife refuge under a state law (Statutes of 1870, Chapter CCXXIV (224), such fishing here is illegal. Warden Bowers contacted the fishermen who agreed not to set nets here again.

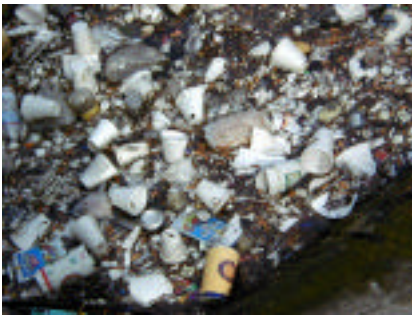
No fine was levied because it is customary to issue a warning first. A second violation would probably result in a \$500 penalty. The fish caught (likely 2-6 inch sculpins, gobies, topsmelt, mudsuckers etc.) were most likely sold for bait. Individuals sometimes catch a few such fish for their personal use (which is OK with DFG) but you don't need twenty traps for personal use.

With mudsuckers selling for \$1.25 each (and other fish for more) at the nearby "Oakland Bait" store a few short miles from Lake Merritt at 2332 International Boulevard, it would seem that someone can make enough money to make their time worth it, especially in this economy.

The real story here is that, yes, Lake Merritt is a wildlife refuge (reportedly the oldest in North America). It is a state refuge, not a federal refuge, and regarding fishing, the law states, and we quote:

**“From and after passage of this Act, it shall be unlawful for any person to take, catch, kill, capture, or in any manner destroy any fish in the waters of Lake Merritt or Peralta, in the County of Alameda, except by the use of a hook and line; but it shall be unlawful to use any set lines, night lines or crawls in said lake.”**

So in the future, if you see people using nets, multiple traps or other devices except a hook and line, please inform them that Lake Merritt is a state refuge, that this is illegal, and then call the state poaching hotline; 1 888 DFG-CALTIP(888 334-2258). CalTIP (Californians Turn In Poachers and Polluters) is a confidential, secret witness program that encourages the public to provide Fish and Game with factual information leading to the arrest of poachers and polluters. CalTIP was introduced in California in 1981 in order to give Californians an opportunity to help protect the state's fish and wildlife resources. The toll free telephone number operates 24 hours a day, 7 days a week. You do not have to give your name. Our forefathers had the foresight to create the refuge that we (and the wild critters) now enjoy. Let's not second guess them by ignoring the law that they passed.



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**DISPROPORTIONAL, NEGATIVE ECONOMICS:** Litter on the street doesn't look like much, and isn't worth anything. Or is it? Basically, it has a negative value. It is associated with lower property values (compare property values in litter infested areas with clean areas). It also costs to deal with it. Disproportional? Consider the cost of a street sweeper (\$100,000+). Now consider what it costs when those same plastic bags, cigarette butts and chip bags are washed into the storm drain. If they clog the drain, you have a flood. Disproportionately expensive? You betcha. Then consider the cost of a vacuum truck used to clean a storm drain inlet or filter. Again, \$100,000+ and several of them are needed for a city the size of Oakland. Add this to the cost to pick litter up and it totals millions of dollars a year. Litter really does have a negative economic value.

But maybe there is another way to look at it. What if, instead of raising parking fees, the litter ordinances were enforced; REALLY enforced? Litter would then become a source of income, rather than an expense. And it would really be a lot more popular than parking rate increases. There is no reason to throw trash on the street. There are lots of reasons to enforce the existing laws; and to make money doing it.

**CLIMATE CORNER: FIX IT? OR WAIT?** The data on climate change is in, has been peer reviewed, and has been accepted by thousands of professionally trained scientists in hundreds of nations for many years.



Now what do we do? This is a policy question: One that needs to be answered by individuals, teachers, religious and political leaders et cetera, not by scientists. We could try to fix it, which offers the opportunity for green jobs and energy independence. Or we could wait (business as usual) which the data shows would lead to irreversible, continuing deterioration of climate and the systems that are linked to it (water supply, agriculture, sea level rise, ocean acidification, more intense storms, floods, drought etc.) for centuries into the foreseeable future.

Suppose we fix it, but the scientists are wrong and things are not so bad. In that case, the fix would be like auto insurance, something we buy in case bad things happen, and we would have cheap, local energy. Some say the fix should not be mandatory, but don't we have mandatory auto insurance? Suppose we wait, and the climate gets worse; as in flooding the NY subway, a second Katrina hits New Orleans and food riots become permanent. In that case, it will be too late. Trying to fix it gives us a chance. Waiting is gambling with our food and water supplies, and the odds are really not good: Not good at all.

**CORRECTION:** The following was submitted by Jim Ryugo, Building Services Manager for the City of Oakland.

"I read the newsletter and I want to correct an item in the April Tidings. The Public Works Agency is budgeted for 18 Gardener Crew Leaders, and 18 Gardener II's or 36 full-time Gardeners, not 50 as reported. We also have 6 Park Equipment Operators and 3 Irrigation Repair Specialists, 3 Park Supervisors, and one Parkland Resource Supervisor. It would be greatly appreciated if you could correct this information in the next edition because it is critical to provide the public with accurate information." Thank you for your consideration.



*Urban Releaf plants trees.*

### **EVEN WHEN IT RAINS....**

It's lovely at Lake Merritt. The April 4th-Wednesday Golden Gate Audubon walk was well and truly showered upon - solid rain from shortly after 9 to nearly 9:30 when the walk is supposed to start. That scared off all but two intrepid birders, who joined one leader in radiant sunshine by 9:40 - so there, home-stayers. Of course, we did cut things short at 11:40, when the sky opened up like a city-wide gym shower, but in between, we were treated to a long view of a hummingbird on a nest and another of the resident Black Phoebe, who was about to fledge three more tuxedo-clad youngsters on the bug population of the lake.

The winter ducks are mostly gone except for some of the scaup - black heads, gray brindled backs, white wings - all looking very clean and elegant as they get ready to go party. These all

seemed to be Greater Scaup, not that anyone but a scaup would care. A lot of Ruddy Ducks are still here, too; the males fully into their auburn suits, with their black-and-white heads and bright blue beaks shining. The Double-crested Cormorants have filled every available place in the bare trees and overflowed in force into several of the ones that still have leaves, and many of them still have their crests, though some have switched to their snake-headed normal dress. Not that they're any less interested in their nests than the ones with headgear. Many of them are still flying into the trees carrying sticks and twigs, including some fair-sized branches with leaves that make you wonder how they can get airborne.

We watched a pair of Snowy Egrets playing chase - small white heron-type birds with black beaks and yellow feet - with the male puffed out to twice his usual size and prancing after the female through foot-deep water. Both stopped now and then, by what looked like mutual agreement, for a spot of fishing, then he was off after her again. Not as beautiful as the dance they do once they've built a nest, but just as wonderful to see. It'd be lovely if they'd nest on the islands again.... And the Great Egrets too - big and white, with yellow beaks and black feet - we saw a few of those, but they weren't paying attention to each other.

Ten or a dozen of the long-necked Western and Clark's Grebes were out on the lake among the scaup flock, and a couple of Eared Grebes were still here - in the peak of their hammered-metal breeding plumage, all copper and steel with big sprays of gold beside their carnelian eyes.

Not much action in the woods across Bellevue in Lakeside Park, except for a big flock of Cedar Waxwings bobbing and weaving into the trees, then looking around with their eyes glittering in their black burglar's masks. Mostly, it was really fixing to rain by then, and we didn't get as far into the park as usual. But it was still a great day at Lake Merritt....

### **What does this trash can have in common with the hole beneath the tall pipe?**

They both hold trash. What doesn't get put into the trash can may end up on the street, then in the storm drain, then in the hole, inside of which is a storm drain filter. The pipe (a vacuum) is being used to clean out the filter.

Plan A: Put trash in the litter container. Plan B: Capture trash in the filter. Plan C: Scoop trash out of the Lake with nets. Although C can be fun, we really should do A and B first.



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