

River Protester 'Will Not Get Wet'

By JIM DUFUR
and THORNE GRAY
Bee Staff Writers

Col. Donald M. O'Shei, district chief of the U.S. Army Corps of Engineers, promised Friday that the government will not let Mark Dubois get wet.

O'Shei told a news conference in his Sacramento office that the corps will not raise the water level in the New Melones Reservoir until Dubois, executive director of the Friends of the River, is no longer on a rock 18 inches above the reservoir's icy-cold water. Dubois chained himself to the rock in a successful bid to halt the filling of the reservoir.

O'Shei said he is "fairly confident" that Dubois, of Sacramento, will leave his post soon so that the corps can raise the water level in the reservoir another five feet and next week start testing turbines in the powerhouse that is part of the \$240 million New Melones project on the Stanislaus River east of Modesto.

However, Dubois, who talked to reporters at his shoreline hideaway earlier Friday, said he still had reservations about O'Shei's insistence on the right to flood the prized white-

water stretch of the Stanislaus River to protect downstream property from flooding.

Dubois also questioned whether the U.S. Bureau of Reclamation would abide by O'Shei's pledge to hold the waterline below Parrott's Ferry, the downstream point of the stretch of river prized by rafters and environmentalists, once that agency assumes control of the project later this summer.

"I'm saying, the key thing I came here for was to guarantee Parrott's Ferry for this year," Dubois told reporters escorted to his hideout under cover of darkness early Friday. "I'm glad the colonel agrees that's his limit." He said he would await the judgment of friends in Sacramento. "If they say it's OK, I'm ready to go for it."

O'Shei said testing had been scheduled to start Friday. He said the corps will have only a month to do the testing because after July 1 water will have to be released to farmers to irrigate crops. Testing would have to be postponed for a year.

He said the maximum loss from

See DUBOIS, Back Page, A14



Copyright Modesto Bee

MARK DUBOIS
...halts a river

Dubois

Continued From Page A1

postponement would be \$30 million, but later conceded "that is probably not a practical (loss) figure" and is probably too high, because "we could make up for lost time" next year.

A spokesman for the corps said the five-foot hike in the reservoir level would not drown the 6-foot-8-inch protester, but because the water is so cold, he probably would die from exposure.

O'Shei said he is "puzzled" by Dubois' action because the corps announced last month it did not plan to fill the reservoir this summer any higher than 808 feet above sea level. That, he said, would not flood the white-water stretch of river.

In a letter to O'Shei, Dubois said that "while you have given vague promises to not flood the canyon too far above elevation 808, your staff has been unable to identify that location on the river."

In a letter Friday to Gov. Brown — a letter requested by the governor, who supports Dubois and other environmentalists in efforts to stop flooding of the white-water stretch of the river — O'Shei declared that "during the construction phase it will not be necessary to store water above Par-

rott's Ferry nor, in fact, have we had any plans to do so."

The letter states that the only reason that there would be "an exception to our plan would be a flood situation."

Gar Dubois, Mark's brother, was planning to see that a copy of the letter was delivered to Mark as soon as possible. Gar said he does not think the declaration from O'Shei will be acceptable, and he does not think his brother will leave his post. He said environmentalists want assurance that even in a flood situation water does not back up beyond Parrott's Ferry.

He said the corps was supposed to buy up land below the dam so that it could release flood waters, rather than let them drown the white-water stretch of the river.

Gray Davis, the governor's chief of staff, also said the colonel's letter was not satisfactory because of a need for more "specific terms" concerning flood releases. But, Davis said, he is confident that any problems can be worked out.

Earlier this week, corps employees made an unsuccessful search for Dubois, who had told O'Shei, "I will be hiding in the canyon somewhere-

... (because) I don't believe the canyon above Parrott's Ferry should be flooded. I hope you don't find me and that you opt to stop the filling."

The employees did not find him and the corps has stopped filling the reservoir. O'Shei said Friday the corps has no plans to do any more searching, because after talking with environmentalists, he had "some reason" to think Dubois will leave his post.

O'Shei, asked why Dubois and others have chained themselves to rocks at the reservoir despite assurances about preserving the white-water river area, commented: "Possibly they don't believe me," and a secondary reason might be the publicity they are receiving.

O'Shei also noted that after the turbines are tested, the corps will turn over the project to the reclamation bureau. Under a decision from the state Water Resources Control Board, he said, the bureau could raise the level of the reservoir to about 900 feet.

A member of O'Shei's staff said that would flood four miles of the nine mile white-water stretch. O'Shei said assurances about preventing such flooding could come only from U.S. Secretary of Interior Cecil Andrus.