

# Dubois, Corps of Engineers at standoff in river battle

**PARROTT'S FERRY** — Mark Dubois, chained to a rock in the New Melones Reservoir since Monday, and the U.S. Army Corps of Engineers are still at a standoff.

The bearded 30-year-old leader of Friends of the River won the first skirmish, when the Corps stopped filling the newly completed reservoir after receiving word that Dubois had chained himself to a rock near the water line to prevent flooding of white water rapids above the reservoir treasured by rafting enthusiasts and others.

But now the Corps says it is willing to wait out Dubois in this odd confrontation in the scenic, tranquil Stanislaus River Canyon in the Sierra foothills 35 miles northeast of here.

"We have no intention of raising the water level if Mark Dubois is in the canyon," Col. Donald O'Shei of the Corps of Engineers, builders of the \$238 million dam, told a news conference Friday.

"It really hasn't thus far caused us any problems," O'Shei said. "But if Mr. Dubois were to remain in the canyon all spring, we would have to give up testing," O'Shei added.

He said no additional efforts were being made to discover Dubois' hiding place after a 2½-day search by boat, helicopter and ground crews failed to turn up Dubois along the reservoir's 60-mile shoreline.

Since Dubois — a foe of the dam project for a decade — sent word of his protest in chains, the dispute over the river has spread rapidly, involving Gov. Edmund Brown Jr., President Carter and at least five

more river rafters who chained themselves to other rocks at the reservoir.

The base of the dam is at 500 feet above sea level, and the top at about 1,100 feet. The Corps planned to fill the reservoir to the 808-foot elevation, about one-eighth full by volume, in order to start June 1 testing of hydroelectric turbines.

Dubois chained himself 12 to 18 inches above the 803-foot mark, say his friends and reporters who have been taken to his hiding place.

O'Shei said Friday the Corps won't raise the reservoir to 808 feet and start testing so long as Dubois is in the canyon. He said if testing isn't done by July 1, it will have to be delayed a year, which he said would cost up to \$30 million in lost revenue.

He said the five other river rafting enthusiasts chained to rocks were all above the 808-foot level.

The dam is built to accommodate a high water mark 200 feet above the current water level, which would flood nine miles of rafting rapids and several archeological sites. But O'Shei said there were no plans to fill the dam to that level for several years.

O'Shei called his news conference to distribute copies of a letter which he sent earlier in the day to Brown, a potential challenger to Carter in the 1980 Democratic primaries who had sent a telegram to Carter Wednesday asking the President to halt the filling of the reservoir.

O'Shei said he believed the letter met all of the demands made by Dubois and Friends of the River followers.

But Dubois' brother, Gar, and a spokeswoman for Brown both rejected the letter immediately, saying it contained a loophole to continue filling the reservoir for flood control purposes.

"There's no assurance they won't go above Parrott's Ferry (the base of the white water rapids). So it appears it will be unacceptable," Gar Dubois said. "I think it means Mark will be chained to the rock a while longer."

"We have an agreement in principle," said Brown's chief of staff, Gray Davis. "But I have to say the letter is insufficient. We're going to need a more specific expression of those emergency conditions that would allow the level to rise temporarily above Parrotts Ferry."

The issue of the water level of the reservoir already has been to the U.S. Supreme Court, which ruled the state had a right to set some conditions on the federal project. A second suit specifying the limits that the state could impose on the project is currently pending in a federal court in San Francisco.

Gar Dubois said he wanted O'Shei's letter rewritten to give "some assurance that under no circumstances will the water go above Parrotts Ferry, flood control or no flood control."

"If this is the final copy of the letter, he will probably stay where he is," Dubois said of his brother.

Earlier, Mark Dubois told reporters who visited him, "as this lower (Stanislaus) river has gone (underwater), a part of me has gone. It's been painful. I've shed a lot of tears."

