

STANISLAUS

by Alexander Gaguine

U.S. vs. California Case: Another Decision

On February 27, U.S. District Court Judge Dean Price in Fresno ruled that the federal Water and Power Resources Service has to abide by the state's limitations on filling New Melones Reservoir for irrigation, fishery and water quality purposes. The state had already set a limit of elevation 844' for the reservoir until there are signed contracts for the irrigation water. And the state said the level could only be raised then if the uses proposed for the water outweigh the values of the Stanislaus Canyon upstream.

But Judge Price also ruled that the feds could totally fill the canyon behind the dam for power production purposes.

F.O.R. researcher Betty Andrews, who has kept in close contact with the State Water Resources Control Board on the case, said: "Unless the ruling is changed on appeal, it is a limited victory for the state, and a defeat for the canyon."

The State Board has taken the case to the Ninth Circuit Court of Appeals. The Board also promises to ask that court for an injunction to stop the filling if the reservoir should be ready to rise past elevation 844' later this spring.

Inundation Process Slows

The murky water of the reservoir once again covered the roadbed of the historic Parrott's Ferry Bridge over the Stanislaus in March, and may soon cover the railings. Upstream, Wino's Swim rapid is gone, as are Chicken Falls and Chinese Dogleg. Banks of wildflowers are underwater, showing their bright colors before decomposing. "Manhattan Beach" on river left (the left bank as you look downstream) is gone—the most popular swimming beach on the river. So are the campgrounds just upstream from the bridge on river right, where hundreds of commemorative medallions were hung in December.

The reservoir may well be held to this level, or even lowered, for this year or for many years. On April 13 Betty Andrews computed that there was a 70% chance that the reservoir would remain below elevation 844' this year—only slightly higher than the March level. The reservoir should begin receding by July.

The ultimate level will be decided by current and future courses of events—and by our participation in them. The eight miles of river from Camp Nine to below the South Fork are certainly deserving of everyone's continuing efforts. (continued on page 4)

A Look Back

For the moment, let's look at the planet's—and everyone's—loss in the canyon. Parrott's Ferry was to be "the limit," or so we had hoped. Yet it went under. Before that we lost the lovely six miles of river downstream—the digger pines and grassy meadows, the ruined railroad trestle, the petroglyphs and the town of Melones, which was inhabited from 1849 until its burial two years ago. Before that we lost Iron Canyon—the damsite itself, which few of us ever knew. The transformation of that area is so complete that it is difficult to imagine that anything ever lived there. Between 1975 and 1979 came the big bridges, first at Highway 49. Then Camp Nine was torn up to make way for its bridge, still unneeded today. Next came the huge road cuts, fills and retaining walls for the new Parrott's Ferry bridge, and the closure of the old route across the river where not just recreationists but almost everyone travelling between Tuolumne and Calaveras Counties slowed or stopped to gaze at something beautiful.

Watching whole trees disappear—first the trunks, then the branches, then the tops, has not been exactly like witnessing a bomb exploding, but it has been, and is a powerful picture of killing and death. Watching animals swim for their lives has been equally powerful.

Wendell Berry, in *The Unsettling of America*, writes:

Generation after generation, those who intended to remain and prosper where they were, have been dispossessed or driven out by those who were carrying out some version of the search for El Dorado. Time after time, in place after place, these conquerors have fragmented and demolished traditional communities, the beginnings of domestic cultures. They have always said that what they destroyed was outdated, provincial and contemptible. And with alarming frequency, they have been believed and trusted by their victims, especially when their victims were other white people.

Some people were actually driven from their homes next to the river. And the rising water also crushes parts of the spirits of (continued on page 5)



Photo: Tyler Childress

South Fork American River

"No Dams" Bill Offered by Berman

Assemblyman Howard Berman of Los Angeles has introduced A.B. 1354 prohibiting dams on the South Fork of the American River between Chili Bar and Salmon Falls. Berman, a self-professed rafting enthusiast, is one of the most powerful Democrats in the legislature. He introduced the bill on behalf of the Environmental Planning and Information Center of El Dorado County.

Berman said, "The popularity of rafting has grown tremendously during the last decade. Rafting seems to have struck a responsive chord, especially among city dwellers who enjoy getting out into nature on occasion." The stretch of the South Fork included in the bill is one of the three or four most rafted rivers in the nation, and probably in the world. If you visit its canyons at the right times, it can offer an amazing degree of solitude and wilderness only a few miles from U.S. Highway 50.

Earlier this spring, the El Dorado Irrigation District (EID) dropped their plans to build two hydroelectric dams on the stretch (one at Coloma and one at Salmon Falls) in order to concentrate their efforts on their dam proposals upstream (see below).

But the Georgetown Divide Public Utility District applied for permits to build the lower dams after EID dropped out. Georgetown's manager, Charles Gierau, said, "There's going to be a dam there someday—our need for energy will see to that. Our directors feel it might as well be County people who own it." The district says it serves 300 irrigation and 1500 domestic water customers.

Assemblyman Norm Waters (D.-Plymouth), who represents the river area, is trying to get the upper dams moving by pushing his own resolution in the legislature supporting them. He has made attempts to bring all parties involved in the controversy together, possibly in hopes of arranging a trade: protection of the lower river for development of the upper stretches. When told of the Georgetown applications, Waters said, "I wish they wouldn't do that... I hope it would not be necessary to develop a project on the lower river."

Letters urging your state assembly members and senators to support A.B. 1354 are needed. There are no compromises in this bill—just protection of the lower South Fork American from dams.

(Note: A.B. 1354 passed in the Assembly Water, Parks and Wildlife Committee April 22 by a 5-4 vote.)

SMUD Hearing on Upper "SOFAR" Dams

F.O.R. helped create another packed-auditorium meeting at the Sacramento Municipal Utility District on April 2, when the SMUD Board of Directors took up whether to back dams on the upper South Fork of the American. The Board heard several hours of testimony for and against their becoming involved in EID's so-called "SOFAR" dams. But they put off making a decision until a firm proposal for an agreement with EID could be brought before them, probably in early May.

EID wants SMUD to front over \$6 million for engineering studies for the "upper mountain" dams on the South Fork near Kyburz and on Alder Creek, Silver Fork, Plum Creek and Weber Creek. Doug Linney, testifying for F.O.R., pointed out to SMUD Directors that EID had not yet received a state water rights permit or a Federal Energy Regulatory Commission permit. He said 23 parties were already protesting the granting of the former permit. Linney argued that the permitting agencies were likely to insist on substantial changes in the project, and thus any money for engineering studies for the dams as now proposed could be wasted.

EID ultimately wants SMUD to purchase 75% of the project's hydroelectric power. PG&E wants 25%. EID hopes to come away from the deal with a new supply of water developed at someone else's expense. Final project cost estimates run from \$560 million (EID) to \$690 million (Department of Water Resources) to \$794 million estimated by Bill Center, President of the American River Recreation Association (ARRA).

ARRA has brought a lawsuit challenging the adequacy of EID's environmental impact report on the dams, another variable which has SMUD worried. Center testified at the SMUD hearing that no mitigation had even been discussed for the de-watering of the South Fork below Kyburz, an increasingly popular boating stretch. While not opposing the dams outright, he said proponents should consider diverting something less than 95% of the river.

SMUD Director Don McClain (the only remaining member from the 1976 Board which backed off a similar proposal to join in dam plans on the North Fork Stanislaus) angrily asked river supporters the classic simplistic question: "Which would you rather do—drink water or go rafting?"

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Battle Not Over

Mark Dubois, who over the last ten years has inspired thousands of people to work for the Stanislaus, acknowledges that the odds, always tough, are even tougher now. But Mark believes that the payoff from a victory would be correspondingly higher. "A victory," says Mark, "would keep alive a living river and canyon which can continue to awaken tens of thousands of people every year to its incredible beauty and to the magic of the planet. And even more importantly, we can still awaken our society to the fact that by using our creativity we can have both—rivers and a healthy environment, and a strong economy with ample water and power."

"The Stanislaus has been an amazing forum, teaching people a lot about how we treat our land and water. We still don't have to complete the mistakes of the past. Every time we help one more person to better understand land and water issues, we win a small victory. There's nothing to lose and everything to gain by keeping up the Stanislaus fight."

Clearcutting and Protest

Army Corps of Engineers contractors moved into Parrott's Ferry the week of April 13 and cut down a wide band of trees on either side of the old road on the Tuolumne County side. Corps officials and the contractor, the John Frank Company of Summit City, earlier had

claimed that Parrott's Ferry would not be cut for many more months. According to the Corps, no more clearing will be done around or upstream of Parrott's Ferry.

The cutting of trees and brush still proceeds in the canyon below Highway 49, at elevations higher than the storage levels allowed by the state. Although this violates the state's conditions, state attorneys backed off from asking Judge Price for an injunction against the activity after mere mention of their intent to do so provoked an angry response from the judge.

Seven people have been arrested over the winter in non-violent sit-downs and blockades at the clearcutting site and at the WPRS building in Sacramento, in attempts to draw attention to the Corps' illegal clearcutting and WPRS's stated intention to illegally fill past the state's maximum level. Four of the seven served jail sentences in Tuolumne County for their acts.

Five other people, three of them disabled, gained coverage by the national media in January, when they chained themselves, hidden by the edge of the rising reservoir, in a last ditch effort to get President Carter to look at and support a Stanislaus National Monument proposal. WPRS halted the filling and made no attempt to find the five. But despite moments of optimism spurred by rumors from Washington, a Carter White House official finally told Congress members pressing for the river's protection, "No way." Last summer, Carter had publicly called the Stanislaus "one of the most beautiful rivers on earth." But he spent his last days in office working for the release of the hostages in Iran.