

For the Rivers, Come Hell or High Water

Kathy Crist

TO MANY CALIFORNIANS, Mark Dubois is “that guy who chained himself to a rock” in 1979 to save the Stanislaus River. But Dubois’ determination to help preserve free-flowing streams everywhere goes far beyond that single act of civil disobedience—and usually keeps him chained to the telephone instead.

Dubois coordinates the efforts of Friends of the River (FOR), a national river-saving organization, from his home and office in Sacramento, Calif. As FOR’s president and executive director, Dubois has attended conferences in Great Britain and around the United States, has traveled to Siberia on an environmental/peace mission, frequently speaks at hearings and colleges, and meets with activists all over the world. He serves on the boards of several environmental organizations, from Friends of the River to Friends of the Ganges. As if that weren’t enough, Dubois has brought together a coalition of volunteer researchers, hydrologists, activists, and publicists—the International Dams Network—to study the social effects of the world’s large dams.

What began for Dubois as a local battle to save a beloved river has escalated into a crusade: He wants to expose this country’s wasteful water practices and prevent those practices from being foisted on developing countries in the Third World. “Every continent is copying the United States,” he says, “both our advances and our mistakes.”

The Stanislaus, before and after its disappearance under New Melones’ flatwater. Inset: Mark Dubois.

Under the heading of mistakes Dubois would include most large-scale water projects, including New Melones Dam, which drowned the Stanislaus River in 1982.

Dubois first entered the fight to save the Stanislaus in 1973, while running a nonprofit rafting outfit called Environmental Traveling Companions. He specialized in taking delinquent and inner-city children and disabled adults down the Stanislaus. But whitewater trips on the river would end with the completion of New Melones, then in its seventh year of construction. Dubois hated the idea, but doubted that there was anything anyone could do about it.

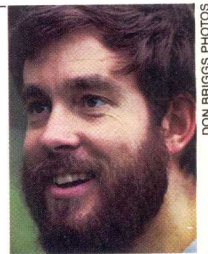
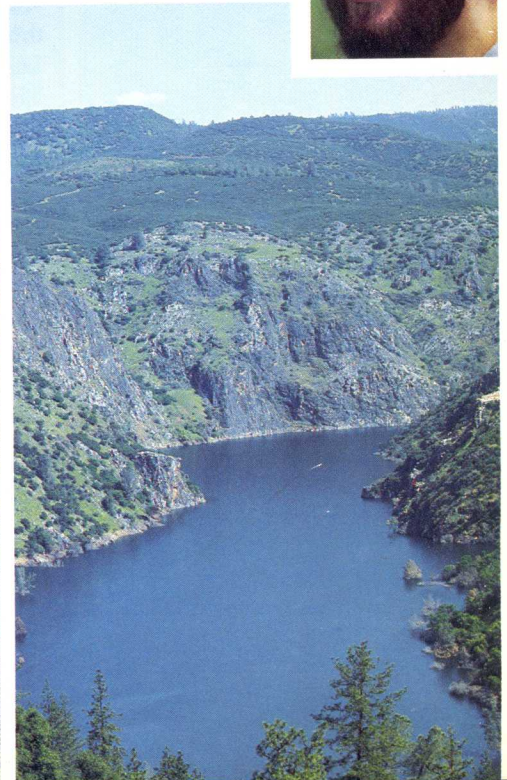
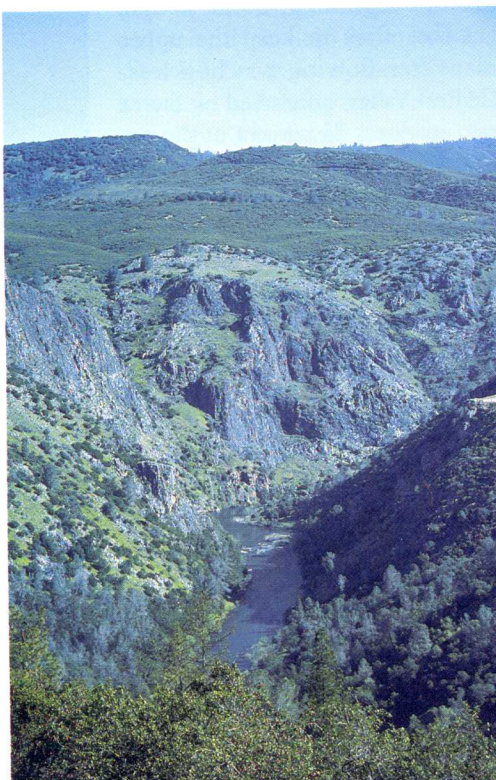
Then he met Gerald Meral at a 1973 hearing of the California Water Commission, an advisory agency to the state’s Department of Water Resources. Meral, who often led Sierra Club river trips down the Stanislaus, first heard of the dam project in 1967. Obsessed with

the idea of saving the river, he thoroughly researched the dam proposal. Meral’s digging convinced him that the irrigation and hydroelectric potential of New Melones—the Army Corps of Engineers’ primary justification for building it—was minimal. He also felt a much smaller dam would provide flood control for California’s Central Valley farmlands, another justification, without inundating the nine-mile boating stretch on the upper Stanislaus.

An earlier letter-writing and signature campaign failed to stop the project, so Meral decided to try to qualify an initiative for the November 1974 California ballot that would include the Stanislaus in the state’s Wild and Scenic Rivers System. If the measure passed, it would prevent New Melones Dam from ever being filled to capacity.

Meral was traveling about the state, talking up the values of the river. He liked to quote a Bureau of Land Man-

“I thought of our speedy lives and how much we miss all this magic that goes on in every corner of the Earth every day.”



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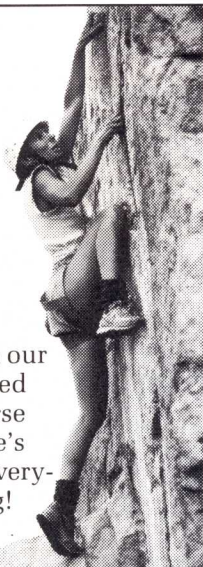
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agement (BLM) study showing that the Stanislaus was the West's premier rafting river, drawing some 90,000 adventurers each year. High in the Sierra north of Yosemite National Park, the Stanislaus offered easy access and thrilling but navigable rafting sections. Meral felt that California's voters—not resource-hungry developers—should decide whether to flood the popular stream.

Dubois was impressed with Meral's research. So when Meral asked Dubois if he would consider coordinating the Sacramento-area effort to help collect the 300,000 signatures necessary to qualify the measure for the ballot, Dubois said he would give it a try. "It was supposed to take a couple of hours a day," he recalls with a laugh, "but it turned into a 24-hour-a-day job."

Politics wasn't really Dubois' forte. He was more at home on the river, where he could wear cutoffs and greet friends with a bear hug that left their feet dangling. At six feet eight, Dubois towers over almost everyone, a fact that made him something of a legend on the Stanislaus (along with his habit of lifting boats all by himself). But by early 1974, Dubois was in the thick of the battle to launch what became Proposition 17.

With donations that Stanislaus rafting outfitters collected from their clients, Meral formed Friends of the River as a campaign organization. Dubois' apartment became FOR's Northern California headquarters.

From the beginning, some people thought the effort to keep the upper Stanislaus free-flowing was hopeless. The Central Valley, nourished by Sierra streams, produces 25 percent of the nation's food. Southern California, which lacks water of its own, needs Northern California's water to sustain its huge population and industry. To the masterminds of California's water projects, the swirling green and white ribbons of the Stanislaus represented dollar signs and progress. Dams, diversions, and hydroelectric plants could pour water and power into vital agricultural and cosmopolitan basins. Impoundment of the Stanislaus could also help protect valuable farmlands downstream from periodic flooding.

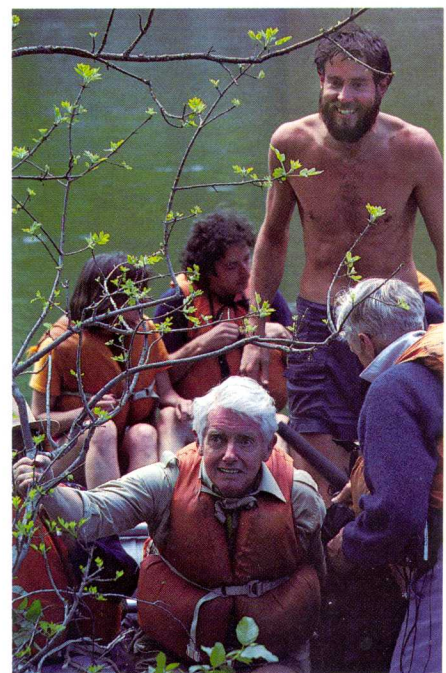
During the next 10 months, Meral, Dubois, and 30,000 volunteers worked

feverishly, first to place Proposition 17 on the ballot, then to get it passed. They bused up and down the state, gathering signatures and garnering votes. They stapled posters to telephone poles and hung homemade banners along freeways. Several FOR volunteers moved in with Dubois at the apartment/headquarters to work the phones.

Friends of the River's efforts paid off by June 1974. The group had gathered 348,000 valid signatures, enough to place the initiative on the ballot, and more than \$238,000 in campaign contributions from rafting companies and individuals. This support made them feel that winning the election in November was within their grasp.

In the end, however, events would crush their hopes. Californians Against Proposition 17, with more than \$400,000 in campaign contributions, launched a TV blitz just prior to the election; Friends of the River could counter only with radio spots. Perhaps inevitably, the measure lost—by 300,000 votes.

But Dubois, who emerged from the Stanislaus fight as FOR's president, couldn't stay away from the river. As long as the Stanislaus was alive, he thought, he would fight the filling of the reservoir. A few other FOR volunteers felt the same way, and they commis-



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David Brower (holding branch) rafted the Stan with Dubois and other activists.

sioned a poll to find out why people had voted the way they did on Proposition 17. The poll showed that the initiative's wording was so confusing that some who thought they were voting against the dam really had voted for it. It also became clear that Friends of the River had committed an error in strategy: Instead of following Meral's early example of talking up the values of the river, they had been on the defensive, fighting the Corps and the farmers.

With the wisdom of hindsight, FOR began again with a new approach. The election had brought Jerry Brown to the Governor's Mansion and a new political atmosphere to Sacramento. Both Brown and his resources secretary, Huey Johnson, were known to be fans of the river. Perhaps Brown could be persuaded to withdraw support for construction of New Melones—thus preventing the Corps from proceeding with the project—as Georgia Gov. Jimmy Carter had done for the Sprewell Bluff Dam on the Flint River. But for reasons that remain unclear, Brown didn't withdraw his support for the dam, dashing FOR's hopes again.

When the New Melones Dam was completed in 1978, FOR frantically searched for ways to prevent it from being filled to capacity. Sixty people trekked from Camp Nine on the Stanislaus to Sacramento, carrying a toyon tree from the doomed canyon to plant outside Gov. Brown's office. Twice a week, FOR outfitters took VIPs and members of the media down the river. Other volunteers did studies of the rare harvestman spider, which lived in a cave that would be flooded, and asked Congress to review the New Melones project under the terms of the National Environmental Policy Act. (No environmental impact report had ever been done on the project.)

The volunteers presented evidence to the Carter administration that more than 600 archaeological and historical sites between Camp Nine and Melones would be flooded by the new dam. At the same time, they persuaded Brown to push for national monument status for the canyon.

Friends of the River was also fighting to save other California streams, from the Smith in the north to the Kern in the

south. They were questioning California's agricultural practices as well as the state's obsolete, heavily subsidized water policy.

Despite FOR's efforts, the fight for the Stanislaus was nearing its conclusion. By April 1979 the reservoir had crept up the river's banks almost to Parrots Ferry, the take-out point for the rafting companies.

"At the time, we were working with the Interior Department, trying to get protection for the river at the federal level," says Dubois. "It was just another year, another effort at trying to slow the process down. We tried anything we could get a handle on."

Friends of the River managed to delay the filling somewhat under the terms of the federal Historical Preservation Act. Though this legislation couldn't protect the canyon itself, it did force the Corps to do whatever it could to mitigate destruction of the historical sites. Before the process was completed, however, a friend alerted Dubois that the Corps had ordered its archaeologist to "do a hatchet job on the Indian sites" rather than take the time necessary to preserve the delicate artifacts. "The Corps was going to fill the dam above Parrots Ferry, but they'd made no public announcement," Dubois says. "What they were doing was against the law."

Desperate and despairing, Dubois devised a plan to chain himself inside the canyon to protest the illegal filling of the dam by the Army Corps. He asked an old friend to help him make some shackles, but was refused. "He realized he would be helping me to die," Dubois says, "but I had such a strong personal feeling about what I planned to do. After all we'd done, I thought, if they're going to flood and kill something that's been around nine million years, one small life like mine won't make a difference. Nothing else had worked. It was the only way I knew of to speak out on the life of this place."

Dubois wrote a letter to Colonel Donald O'Shei of the Corps, stressing that his action had nothing to do with Friends of the River. "I went to deliver the letter," he remembers, "and passed Gov. Brown's office on the way. I was amazed by how large the toyon tree we'd planted had grown in such a short

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time. When I saw it, all my fear turned to strength."

Next, Dubois met with outfitter Marty McDonnell, whom he'd nicknamed "Deep Paddle."

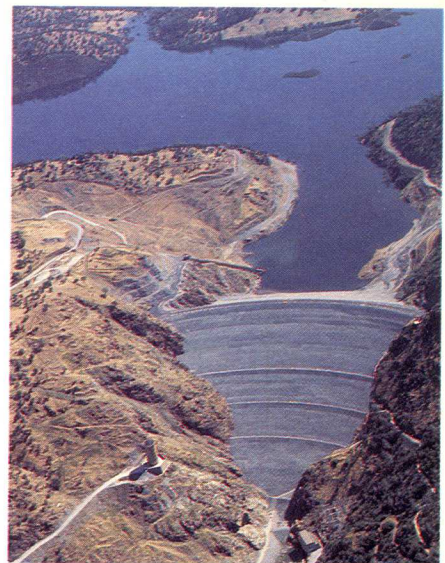
"I knew I could trust him," Dubois says. "We planned for him to check on me while I was chained. I told him that once the water level reached my knees, I didn't want to see him again."

His location disclosed only to McDonnell, Dubois hiked into the canyon on a Sunday night late in May, barefoot and alone. The next morning he kayaked down the upper river for what he thought would be the last time. "I saw it flooding the petroglyphs, the meadow where David Brower once spoke on behalf of the river," Dubois remembers. "And across from the meadow was a perfect alcove where no one could see me."

It was two days before Dubois slipped out of his city pace and recognized the sound he kept hearing over his shoulder as a shrew. Blisters stippled his legs from the poison oak that laced the boulder where he had driven an eyebolt into a crack and placed the chain around his ankle. Because of a false step in the dark while hiking in, a toe on his right leg was broken; his leg was swollen to the knee. Dubois put a thick sock over the injury to hide it from McDonnell.

Out on the river a motorboat sped by. Each day a 20-man search party made up of Army Corps personnel, BLM rangers, and local lawmen scoured the canyon looking for him. Two helicopters searched the canyon from above. Dubois felt like a criminal every time the searchers swept by him, even though he believed what he was doing was right. The rising flatwater behind New Melones Dam lapped at the boulder two feet away, and could rise above his head overnight. But Dubois was determined not to be found.

"The time went quickly," Dubois recalls. "Every night the beavers and otters came out. I'd never seen a beaver on the Stanislaus before, but now their homes were flooded. One day I felt something behind me—it was a four-foot snake just sliding right past. I thought of our speedy lives and how much we miss all this magic that goes on in every corner of the earth every day." It



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New Melones Dam, the focus of an epic river-protection battle. The fight continues against unnecessary dams elsewhere.

was as if the river had finally accepted Dubois, not as an intruder but merely as part of it.

On the fourth day, Dubois agreed to allow reporters from the *Los Angeles Times* and the *San Jose Mercury News* to interview him. The attention the stories drew paid off. Huey Johnson alerted Gov. Brown to Dubois' action, and Brown ordered the Corps to shut down the reservoir. Parrots Ferry was saved—for now.

"My last day in the canyon I heard from McDonnell that Brown had ordered the Corps not to fill the reservoir that year," Dubois says. "After I came out someone told me that the Corps had looked through all the law books for some way to arrest me, but couldn't find anything."

Dubois' action was surrounded by controversy. Some people in FOR had supported his act of civil disobedience, but others had not. His friend David Brower came down on Dubois' side. "What Mark did wasn't civil disobedience," Brower says. "There was no law that said he couldn't be there."

The river's reprieve would be short-lived, however. Though Friends of the River continued to fight it, the reservoir was filled in 1982. A flood in 1980 turned public sentiment against the river, and after that Gov. Brown either would not or could not stop the filling. New Melones' final cost in monetary terms was

\$341 million—nearly \$335 million more than what its planners had thought it would cost in 1944. But more to the point, the dam had cost Californians a beautiful canyon. “In the canyon I saw people smile more deeply, more intensely, and more frequently than I ever have in the city,” Dubois sadly recalls.

Dubois married his girlfriend Sharon Negri amongst the willows on the South Fork of the American River in 1983, and the two set off for a trek through Asia and Africa. He spent that year and the next recovering from the loss of his river and trying to find ways of paying off the enormous debt FOR had amassed during the Stanislaus campaign. He returned from his journey more convinced than ever that large-scale technology is often inappropriate for developing nations. Dubois had seen firsthand that massive clearcutting and erosion, waterborne disease, and pollution often result from some of the dam projects sponsored by the World Bank and other multilateral aid agencies.

The International Dams Network arose out of Dubois’ determination to thwart what he considers an ill-advised impetus toward river development worldwide. The coalition’s primary goal is to share its knowledge of watershed issues, its successes and its mistakes, through the *International Dams Newsletter*, which Dubois produces. The organization is pushing the World Bank and other aid agencies to display greater sensitivity to environmental concerns and the rights of indigenous peoples. Its opposition through the international press to one project, the Three Gorges Dam on China’s Yangtze River (in an area considered to be that country’s Grand Canyon), prompted the Chinese government to withdraw the project from its five-year plan.

Dubois has also spent some time reflecting on the lessons learned during the fight for the Stanislaus. “We made them the enemy,” he says of the Corps and the farmers who wanted New Melones filled. He preaches a different message now: ridding the environmental movement of an “us against them” attitude.

“I should have gone to the farmers directly and let them know what I was speaking out about,” Dubois says. That approach, he’s convinced, might have

been a more creative way than the chaining to get the compromise he wanted—though he insists that “if the circumstances were right, I’d definitely do the same thing again.”

Growing up in California’s Central Valley, Dubois learned the cycles of nature at an early age—how the Trinity and American rivers rise and fall with the seasons. Later, after studying anthropology, he explored Mexico and Guatemala with an archaeologist friend. Their exploration of the Chixoy tributary of the Usumacinta River in 1969 is

still the only one made of that fork. “We saw aborigines on the banks,” he remembers, “and when we waved to them they ran away. They’d never seen white men before.”

That must have been the way it was on the Stanislaus, with the Miwok Indians running away when the first miners came. It’s too late now to save the Stanislaus, but if Dubois has his way, the Usumacinta and other free-flowing rivers will remain pristine. ■

KATHY CRIST, a freelance writer, has contributed articles to *River Runner* and *Canoe*.

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