

# THE WALL STREET JOURNAL.

SAN FRANCISCO BAY AREA  
Updated January 9, 2013, 7:28 p.m. ET

## Battle Over the 'Wild and Scenic' Merced

Bid to Lift Designation on Stretch of River Runs Into Opposition; Wider Clashes Over California's Water System Loom

By JUSTIN SCHECK

BRICEBURG—A small-scale river spat here foreshadows some major water battles to come over the San Francisco Bay and the delta and rivers that flow into it.

Environmental advocates are objecting to an effort that has been supported by members of the San Joaquin Valley's congressional delegation to remove the "Wild and Scenic River" designation from a short stretch of the Merced River that runs down a deep canyon and past a closed gold mine about 30 miles west of Yosemite National Park.



Max Whittaker/Prime for The Wall Street Journal  
Bureau of Land Management Outdoor Recreation Planner David Greenwood walks along the Merced River, near Briceburg, Calif., where a fight is brewing over its 'Wild and Scenic' status

Lifting the "Wild and Scenic" status could be the first step toward enlarging Lake McClure, a reservoir on the Merced River, so it can store more water in wet years for use in dry years. Opponents say this would be a betrayal of the 1968 Wild and Scenic Rivers Act, which protects the free-flowing condition of designated rivers.

Rep. Jeff Denham, a Republican who represents California's 10th congressional district, last year proposed a bill to lift the "Wild and Scenic" status from a section of the Merced River that is less than a half-mile long. The House passed the measure, with support from some Democrats, but the Senate never took action on it.

Federal and local officials in the Central Valley and in Washington say they expect a similar bill to be introduced this year, though it isn't clear if Mr. Denham or another lawmaker would do so. A spokeswoman for Mr. Denham said that while she didn't know if he would sponsor the bill, it "seems unlikely that he will walk away from this project."

Environmentalists say they are concerned because it would be the first time the federal protection scheme was entirely removed from a portion of a river to facilitate inundating it. The "Wild and Scenic" status has been modified on other rivers for other reasons.

While a river's "Wild and Scenic" status may be changed by congressional action, preservation advocates say it was intended to keep rivers in their natural state in perpetuity.

"The purpose of the Wild and Scenic River system is to permanently preserve rivers," says Ron Stork, policy director for conservation group Friends of the River.

The prospect of lifting the designation is alarming, opponents of the effort say, because the "Wild and Scenic" status protects many of California's North Coast rivers.

Merced advocates are now lobbying legislators, writing op-eds in local newspapers and preparing to incorporate a nonprofit to help generate opposition, says Ralph Mendershausen, a retired teacher and avid rafter who lives near the river and says he has lobbied to protect it for more than 30 years.

Government officials are at odds over the plan. While some legislators support removing federal protection from that portion of the 122.5-mile "Wild and Scenic" stretch, the U.S. Department of the Interior, which manages part of the "Wild and Scenic" section of the river, including the area that could be inundated, has publicly called it a "precipitous action."

A spokesman for the Interior Department's Bureau of Land Management, asked about its position on the issue, referred to 2011 comments to Congress from Robert V. Abbey, then-director of the BLM, when he said: "[It] would, for the first time, weaken the Wild and Scenic Rivers Act by de-designating a segment of a river and allowing for the inundation of portions of the remaining Wild and Scenic River, and could set a troublesome precedent."

The Merced Irrigation District, the local agency that manages Lake McClure and provides water, mainly to farmers in the area, is pushing for the removal of the protected status. District officials say it needs more water storage to support farms in the area around Merced, especially in dry years when reserves are low.

Preservation advocates say the district has enough storage and cite the sale of water outside the district in recent years. District officials say they only sell water in wet years, and that much of it is used to improve downstream fish habitat.

The Merced debate is forcing authorities to decide how to prioritize natural-habitat preservation, irrigation for farms and water-supply reliability just as state and federal officials tackle those issues on a larger scale as they renew their focus on California's complex water system.

The state's aging dams, canals and levees provide numerous functions. They move drinking water from the wet north to the parched south; control floods in places like the Sacramento-San Joaquin Delta upstream from San Francisco Bay; and are required to maintain water quality and habitat for animals like the salmon that migrate through the San Francisco Bay and into Central Valley rivers.

Later this year, state and federal authorities plan to publish proposals for a giant new system that would send irrigation water around, rather than through, the San Joaquin Delta and fund restoration of degraded ecosystems. The outcome of the Merced plan may provide an early road map for how officials statewide will compromise—or fail to agree—on the large-scale plan.

The Merced fight could also be a prelude to bigger water conflicts over places like Shasta Dam, on the Sacramento River. Some farm-industry advocates want to raise the height of the dam to increase storage capacity, to the dismay of preservation advocates. It follows the defeat in November of a ballot measure that aimed to remove a dam on Yosemite's other major river, the Tuolumne, which provides drinking water to San Francisco.

"California is making compromises all the time on water management, and is going to have to continue to make water compromises," says Ellen Hanak, the co-director of research with the nonpartisan, nonprofit Public Policy Institute of California, who notes laws that protect rare wildlife require authorities to consider environmental restoration as they attempt to more efficiently deliver river water to cities and farms.

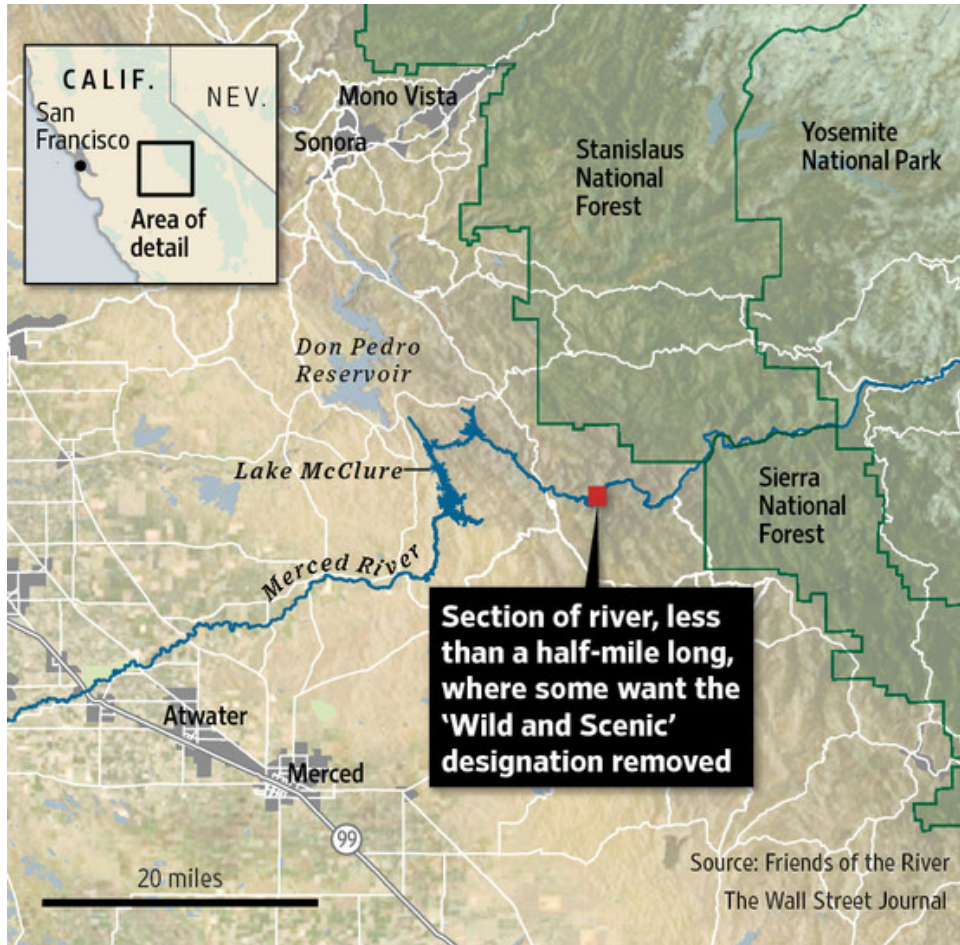
John Sweigard, general manager of the Merced Irrigation District, says that the plan to expand the reservoir, Lake McClure, would entail increasing the height of the spillway near the New Exchequer dam and only inundate a small portion of the river, likely only in wet years. Removing the "Wild and Scenic" status wouldn't automatically lead to inundation but would allow a federal review process of whether the spillway should be raised to move forward, he says.

This is the type of compromise, Mr. Sweigard says, that California will have to make on a large scale to improve its water system. "If we can't get what I would deem a small but important project for our community completed, how can we get big projects?" he says.

River-preservation advocates counter that the plan isn't so small. Proponents of the plan to eliminate the "Wild and Scenic" designation for that stretch "want to minimize it," Mr. Mendershausen says, even though it represents a piece of untrammelled habitat that is home to the limestone salamander—which lives only along the Merced River—as well as rare plants.

Last week, Mr. Mendershausen biked down an old railroad grade that runs into the rocky canyon. The river had ice along the edges, and the canyon was empty of people. Getting to the section that would be inundated would have required several miles of biking along a nearly impassable trail.

Inaccessibility is one of the things that make the wild section so valuable, Mr. Mendershausen says, since few rivers in the Sierra Nevada foothills have such remote stretches with no dams above them.



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