

Bill challenges Merced River protection

*Written by Sean Janssen, The Sonora Union Democrat
March 12, 2013 10:43 am*

The Mother Lode's new congressman is reviving a former representative's effort to amend the federal Wild and Scenic Rivers Act and rescind that designation from a portion of the Merced River.

Congressman Tom McClintock, R-Elk Grove, submitted H.R. 934 on Monday, a bill identical to one offered in the last Congress by Rep. Jeff Denham, R-Turlock, who then represented Tuolumne County.

The legislation seeks to remove the Wild and Scenic designation for an 1,800-foot-long section of the river that overlaps with the boundary recognized by the Federal Energy Regulatory Commission for the New Exchequer Dam project, which in 1967 created Lake McClure in western Mariposa County.

This would allow the Merced Irrigation District, which owns the dam, to apply to FERC to raise the dam's spillway 10 feet and increase storage capacity of 1,024,600 acre-feet by 70,000 acre-feet at McClure. An acre-foot is about equal to a typical household's annual water needs.

Proponents of the bill say it will bring much needed dry-year water storage and generate up to 10,000 added megawatt-hours of electricity annually, enough to power 1,700 homes.

Opponents say it sets a precedent for scaling back hard-fought protections given by the Wild and Scenic designation and will have other environmental consequences.

"At a time when California is suffering increasingly scarce water supplies and paying among the highest electricity prices in the nation, this legislation will allow for both increased water storage and additional hydropower generation," McClintock said. "The benefits of a minor adjustment to the boundary rescue this desperately needed resource from truly outrageous bureaucratic red tape."

The Denham bill passed the House 232-188 along mostly partisan lines on June 19, 2012, with 216 Republicans in favor and 19 against while 169 Democrats voted no and 16 favored it. It died in the Senate without advancing beyond the Energy and Natural Resources Committee.

Ron Stork, policy director for the Sacramento-based activist organization Friends of the River, said he would be surprised if the new bill fared any better.

"I have no reason to believe that McClintock has any crystal ball on what the Senate will do," Stork said. "I think McClintock thinks it's a great thing to show crowds he's a tough guy with environmentalists."

He noted the Senate committee retained Oregon Sen. Ron Wyden, a Democrat who voted to designate more than 122 miles of the Merced as Wild and Scenic, including the segment near McClure, more than 20 years ago as a Portland congressman.

McClintock's bill has bipartisan support in the House, with Rep. Jim Costa, D-Fresno, joining Denham and four more California Republicans as co-sponsors. Costa represents the area covered by the Merced Irrigation District.

"As we face a looming water crisis this year, it is more important than ever that we continue to explore long-term solutions that improve water reliability throughout the state," Costa said. "Though there is no silver bullet to solve our water challenges, increasing storage at Lake McClure Reservoir would give us another tool to prepare for dry years."

Merced Irrigation District spokesman Mike Jensen said the district released about 1 million acre-feet that poured into the dam during a wet 2011. With the increased capacity, it could only have retained a fraction of that, but it would have been helpful entering a second consecutive dry year, Jensen said.

"The Merced River is already extensively exploited," Stork said. "The new yield potentially available from the proposed raise is just 2.5 percent of what the district typically diverts into its canals, and that doesn't even take into account its waters diverted downstream of its confluence with the San Joaquin."

Friends of the River campaigned against the Denham bill and also opposes McClintock's. The Bureau of Land Management testified before the previous Congress that remains of the Yosemite Valley Railroad and historic gold mining sites could be degraded by flooding of the affected portion of the river. Federal officials and environmentalists say habitat for endangered limestone salamanders and Valley elderberry longhorn beetles is also at risk with flooding.

"These areas are already inundated during heavy runoffs. The extra 10 feet of peak storage capacity would simply prolong the inundations for about eight weeks in late spring and early summer every three years or so until that peak water is drawn down," McClintock said. "Furthermore, there is already a high fluctuation of water levels throughout the river habitat, and the limestone salamander has obviously adapted to it. Nevertheless, any potential effects on the salamander, or any other protected species, would be thoroughly reviewed in the NEPA and CEQA processes, as required by the FERC licensing process."

Salamanders have been found along the reservoir's shores, Stork countered.

"They have never been flooded by water," he said. "They won't be unless you raise the dam."

<http://www.uniondemocrat.com/News/Local-News/Bill-challenges-Merced-River-protection>

Annotation: The article misquotes Ron Stork. It was the outgoing chair of the Senate Energy & Natural Resources Committee, Senator Bingaman, who chaired one of the Senate hearings on the original Merced Wild & Scenic River bills. Senator Wyden is the incoming chair of the Committee. Rep. McClintock's characterization of the bill as "simply prolong[ing] the inundations from about eight weeks in late spring and early summer" is based on Rep. Denham's HR 869 never taken up by the House. HR 934, like HR 2578 passed by the House in the 112th Congress, does not have any time limit placed on the inundation of the wild & scenic river it seeks to de-designate.