

The Fresno Bee

House votes to boost Merced River water storage despite 'wild and scenic' status

By Michael Doyle McClatchy Newspapers

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WASHINGTON -- A divided House on Tuesday approved a bill that could increase Merced River water storage by taking away some long-standing "wild and scenic" river protections.

Backed by farmers and local lawmakers but opposed by environmentalists and the Obama administration, the bill written by Rep. Jeff Denham, R-Turlock, passed as part of a larger public lands measure package tailored by conservatives.

"It's a small step," Denham said. "We need thousands of jobs in the Central Valley, and we need many more projects like this."

The bill would allow the Merced Irrigation District to raise New Exchequer Dam spillways, temporarily expanding Lake McClure some years into a part of the river currently protected as free-flowing under federal law. *[See annotations]*

The House approved the legislation by a 232-188 margin and shipped it to the Senate, where it faces an uncertain future.

Although Democratic Sens. Dianne Feinstein and Barbara Boxer have not endorsed the Merced River language, neither has publicly opposed it.

Behind the scenes, both senators and their staffs are reviewing the idea.

"I support increasing water supply in Lake McClure," Feinstein said Tuesday, "but more research needs to be done of the proposal's environmental effects."

The broader package approved by the House includes a public lands potpourri, including renewal of a Northern California timber harvest plan initially co-authored by Feinstein.

More controversially, the package includes a scheme to exempt immigrant control projects along the Mexico and Canada borders from some 39 different environmental laws including the Endangered Species Act.



MARCI STENBERG/MERCED SUN-STAR FILE

Merced Irrigation District wants to raise the Lake McClure spillway facilities by 10 feet with its new Exchequer Spillway Modification Project. It would not be raising the New Exchequer Dam, just the spillway, and the legislation would allow for some occasional short-term increases in the level of Lake McClure not to exceed elevation 877 feet.

Denham's legislation is designed to help the Merced Irrigation District plan the future of New Exchequer Dam and Lake McClure.

By raising two spillway gates 10 feet, the irrigation district would increase potential storage by up to 70,000 acre-feet and boost hydroelectric power production by up to 10,000 megawatts. *[See annotations.]*

Currently, the irrigation district cannot allow Lake McClure to expand beyond a point 867 feet above sea level. The bill would allow the lake to reach 877 feet above sea level.

In doing so, the district would temporarily inundate about half-a-mile of the river that currently is protected under the federal wild-and-scenic law. The inundation would occur during wetter-than-normal years, for up to 60 days.

"We should be able to adjust these boundaries, especially if it improves the greater good," Denham said.

It's a local concern, but it sets a national precedent. As described by opponents, the legislation marks the first time Congress would allow the inundation of a river segment protected under the wild-and-scenic program.

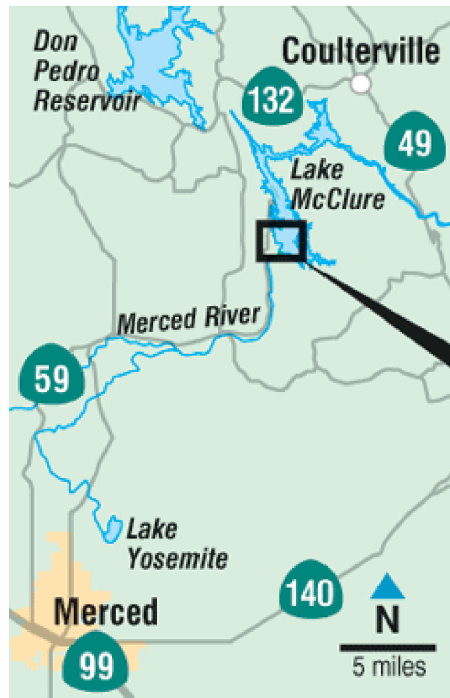
"Never before has Congress reversed course and eliminated federal protection to allow this kind of harm to a previously protected river," Friends of the River and other conservation groups wrote this week, adding that "our wild and scenic rivers are as important as our national parks and equally deserving of truly permanent protection."

The temporary inundation could harm habitat for the limestone salamander and the elderberry longhorn beetle, two creatures protected under state or federal laws, federal officials say. Remains of the old Yosemite Valley Railroad and historic gold-mining sites would be "degraded," the Bureau of Land Management warned at a congressional hearing.

Nationwide, portions of more than 200 rivers are covered under the wild-and-scenic river law, first written in 1968. Designated rivers are managed in their free-flowing state, though the protections are not as strict as given federal wilderness. Currently, a little more than 122 miles of the Merced River from Yosemite National Park to Lake McClure are covered under bills approved by Congress in 1987 and 1992.

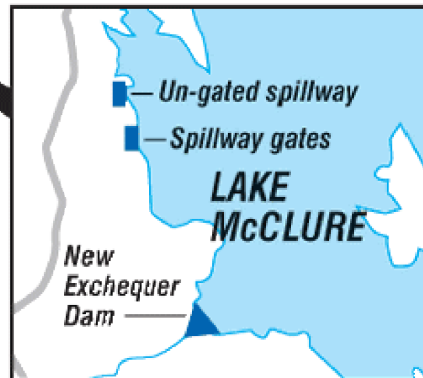
"The unique beauty of the Merced makes it a prime choice for inclusion in the wild-and-scenic river system," then-Rep. Gary Condit, D-Ceres, said in 1992.

If Congress approves shrinking the Merced River's wild-and-scenic protections, and the Obama administration doesn't stand in the way, the Merced Irrigation District will still need Federal Energy Regulatory Commission approvals as part of the New Exchequer relicensing.



Lake McClure

A bill by Rep. Jeff Denham would permit Merced Irrigation District to raise the height of the spillway gates and un-gated spillway to increase the capacity of Lake McClure.



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Email: mdoyle@mcclatchydc.com; Twitter: @MichaelDoyle10

Annotations:

The article implies that the legislation would only permit inundation of the current wild & scenic river for a limited time. This was a provision of HR 869. HR 2578 does not contain a provision to limit the time of inundation. Instead, it simply moves the wild & scenic river boundary upstream.

The existing powerhouse is a 94.5 MW powerhouse. Thus the contemplated dam raise could not boost "hydroelectric power production by up to 10,000 megawatts." Rather, Merced ID claims it would increase, presumably average, annual energy production by 10,000 megawatt hours.

The map-figure text implies that the District would increase the height of the ungated spillway. This would leave no fail-safe safety margin to prevent the dam from overtopping unless the main dam is also raised. The District, instead, wishes to put operable gates on the ungated spillway. In this latter case, gate operations would be required to maintain the fail-safe safety margin to prevent the dam from overtopping and failing.

<http://www.fresnobee.com/2012/06/19/2880002/house-votes-to-boost-merced-river.html>