



## Looming Merced River water fight will test Rep. McClintock's political sway

By Michael Doyle

Bee Washington Bureau

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WASHINGTON -- A politically difficult bill allowing the expansion of Lake McClure will now test whether Rep. Tom McClintock has learned how to move the levers of California water.

As chair of the House water and power subcommittee, McClintock, R-Elk Grove, can showcase his favorite issues. He did so Thursday, presenting to another House panel his legislation allowing potential expansion of Lake McClure by the Merced Irrigation District.



Kelsey Edwards Photography  
Tom McClintock

But as he enters into his second term as panel chairman, and his fourth decade in political life, the 56-year-old McClintock remains largely unproven in his ability to pass a congressional bill into law. The Lake McClure legislation offers another shot, albeit one with definite challenges that face the broader California congressional delegation anytime water arises.

"As water and electricity supplies become tighter and more expensive the necessity of this project should become increasingly clear even to the most hard-hearted environmentalists and bureaucrats," McClintock said Thursday.

His brief bill would remove somewhat under half-a-mile of the Merced River from federal wild and scenic protection. Currently, about 122 miles of the river are designated under the federal wild and scenic law.

By removing roughly 1,800 feet of the river from federal designation, Merced Irrigation District officials could consider the option of raising the New Exchequer Dam by up to 10 feet. If given approval by the Federal Energy Regulatory Commission during New Exchequer relicensing, and built at an estimated cost of \$40 million, this would increase water storage during wet years, temporarily inundating part of the river.

"A project that can provide tens of thousands of acre-feet of new water to the San Joaquin Valley at no federal cost certainly bears consideration," Deputy General Manager Bryan Kelly of the Merced Irrigation District told the House public lands and environmental regulation subcommittee Thursday.

Environmentalists oppose the legislation, which would mark the first time Congress has withdrawn part of a river from wild and scenic status since the Wild and Scenic River Act passed in 1968. Ron Stork, policy director of the Sacramento-based Friends of the River,

said "Congress knew exactly what it was doing" when it set aside the Merced River for protection, and an Interior Department official testified Thursday that more study is needed.

"The full implications of (the bill) are not clear, but the potential impacts from inundation could be substantial to both natural resources and local economies," said Ned Farquhar, the Interior Department's deputy assistant secretary for land and mineral management.

McClintock said Thursday that he was "baffled" why the Obama administration would take what he called the "unreasonable" and "extreme" position that wild and scenic status should never be reconsidered once it's been granted. Citing electricity shortfalls as well as the San Joaquin Valley's high unemployment, he pressed for the Lake McClure legislation as a way to address changing circumstances.



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.

"The government," McClintock said, "seems to be standing in the way."

Neither of California's two Democratic senators, Dianne Feinstein and Barbara Boxer, have said they support the Lake McClure bill and remain in a wait-and-see position. Without in-state Senate support, any water bill is almost certain to dry up; and this, in turn, spotlights how it's easier to introduce a bill than to maneuver its way to final passage.

Last Congress, for instance, McClintock oversaw a sweeping California water bill that dramatically revised a San Joaquin River restoration effort and steered more irrigation water to San Joaquin Valley farmers, among other provisions. Passed by the House on a largely partisan vote, it had the backing of Rep. Jim Costa, D-Fresno, but was opposed by 95% of other Democrats. The bill died in the Senate and has not been reintroduced this Congress.

During the last Congress, records show, the Republican-controlled House accepted five McClintock amendments and rejected 11. McClintock won, for instance, elimination of \$20 million in funding for the Tropical Forest Conservation Act. He lost, on a 342-80 vote, an effort to eliminate the \$3 billion Community Development Block Grant program, which provides about \$315 million to California annually.

McClintock inherited the Lake McClure expansion bill when his congressional district was redrawn to include a large swath of the Sierra Nevada mountains and foothills, from Lake Tahoe to Sequoia National Park. An earlier version passed the House, as part of a larger package, and died in the Senate last Congress.

*The reporter can be reached at (202) 383-0006, [mduoyle@mcclatchydc.com](mailto:mduoyle@mcclatchydc.com) or @MichaelDoyle10 on Twitter.*

<http://www.fresnobee.com/2013/04/18/3263916/looming-merced-river-water-fight.html>

*[FOR annotations: Environmentalists do not claim that a wild & scenic river boundary has never been adjusted. Technical adjustments have been made in the past and are contemplated in the future. More precisely, Congress has never de-designated a National Wild & Scenic River to turn a free-flowing river into a reservoir. It also should be noted that HR 934, like HR 2578 in the previous Congress, does not limit the time of inundation of the potentially de-designated river section as did HR 869, the first Merced River de-designation bill introduced in the previous Congress. Map-based review of the river segment that would be affected, appear to show approximately 2,400 feet of river. Also, Merced Irrigation District's estimated costs are preliminary estimates by the District and are unlikely to include raising the main dam along with the spillways or the costs of raising the Highway 49 bridge over Lake McClure Reservoir.]*