

WATER DEBATE Hot-button issue sparks Merced River dispute



ERIK SKINDRUD | THE GAZETTE Merced Irrigation District spokesman Mike Jensen tests the waters at Lake Mc-Clure's Bagby boat ramp last week.

By Erik Skindrud GAZETTE REPORTER

California is thirsty. With water scarce, and perhaps getting scarcer, why not raise the capacity of Lake Mc-Clure by 10 vertical feet? That would capture up to 70,000 additional acrefeet of water in big precipitation years—water that could be used for irrigation and power generation.

That's what the Merced Irrigation District, Rep. Jeff Denham and Sen. Diane Feinstein want to explore.

"I support raising the New Exchequer Dam in an environmentally-responsible manner," Sen. Feinstein told THE GAZETTE this week. "I am reviewing how this can be accomplished in a way all sides can support."

But not so fast, a number of pro-environment voices respond. Any step toward raising the dam would require tinkering with federal Wild and Scenic Rivers Act protection for the Merced River.

Next Thursday, a community meeting at St. Joseph's Catholic Church will explore the implications of the proposal.

Rep. Denham (R–Atwater) has authored legislation that would remove Wild and Scenic protection for an approximately 1,800-foot section of river extending upstream from the current protective boundary.

That would bring the maximum lake level to about half a mile from the falls and renowned fishing hole at the North Fork of the Merced River. The current high-water mark is about three-quarters of a mile from the North Fork.

If it passes in the House, and similar legislation passed in the Senate (and the President signed the bill) the new law would let the irrigation district "study the feasibility of the project," Merced Irrigation District (MID) spokesman Mike Jensen said.

See DAM on Page A-10 $\,$

Ceremony marks 9/11 anniversary

Mariposa's 9-11 Memorial Committee has announced a ceremony marking the tenth anniversary of 9-11. The Sept. 11 event will begin at 1 p.m. at the Mariposa Art Park on the corner of Fourth Street and Highway 140. Master of Ceremonies Les Marsden will coordinate the hourlong event to pay tribute to those who lost their lives on Sept. 11, 2001 as well as dedicate the site of the regional 9-11 memorial to be built in the park County-owned over the coming year.

Preceding the ceremony on Sept. 10 the Mariposa American Legion Post will host a pancake breakfast from 8 to 11 a.m. with a portion of the proceeds benefiting the 9-11 Memorial. beams donated to the citizens of Mariposa County by the New York-New Jersey Port Authority. The future Memorial was designed by Merced artist Judith Burton.

With consultation of the artist, the artifacts were welded in a chaotic pattern by Mariposa Public Utility District Fire Captain Dennis Buck to simulate the randomness of the rubble pile at Ground Zero. However, the angles are anything but random. Each angle builds on the other at 9, 11, 20 and 01 degrees.

When viewed from

Hold on, it's going to be a bumpy ride



The ceremony will also feature the unveiling of a sculpture of four World Trade Center I-

Tragedy recalled 10 years later

By Jill Ballinger GAZETTE EDITOR

It was a Tuesday morning in 2001. Most people in Mariposa County were getting ready to start their day, preparing for school or work or household chores. It was sunny and warm, typical of early September.

Then, in a blink of an eye, the entire world changed. Everything the nation knew as normal was forever altered. The terrorist attacks on New York City and Washington DC created a new definition of the American way of life.

Everyone remembers where they were and what they were doing when they first heard the news. Many people watched the events unfold on live television. Others were away from the creature comforts of

> SEE ANNIVERSARY ON PAGE A-10

above two of the artifacts are welded at 17 degrees to match the number of elapsed minutes between the airplane impacts on the twin towers. The balance of the arc is 343 degrees matching the number of FDNY firefighters to lose their lives on that historic day. Each I-beam in the sculpture represents a

group of people who suffered loss of life; fire

> See 9/11 on Page A-10

JILL BALLINGER | THE GAZETTE

Doug O'Bannon got the ride of his life when he reached for the ribbon on the calf he roped during the fair's local saddle roping competition last Sunday. For complete photo coverage of the fair, see pages A-7 and A-8.

Fair closes with high attendance, little trouble

By Jill Ballinger GAZETTE EDITOR

When the ferris wheel stopped turning, and the last of the animals was trucked out, the 2011 Mariposa County Fair ended its run. And quite a run it was.

A very tired, but happy, Fair Manager Brian Bullis

Local schools test well, but get dinged by federal rules

By Jill Ballinger GAZETTE EDITOR

Mariposa County Schools have consistently performed well above state and regional averages on standardized test scores, and this year is no exception. Federal No Child Left Behind (NCLB) standards, however, are pushing those schools into "failing" status.

The California Department of Education released the complicated set of data last week that shows how schools scored on the tests and how much they improved over last year's scores. Even though many Mariposa schools are well over the state target of 800 and others are almost at that rate, the federal government is slapping Program Improvement (PI) status on three local schools.

Even the state's top education officials don't understand the discrepancy. State Superintendent of Public Instruction Tom Torlakson said a record number of California schools met or exceeded the state's Academic Performance Index (API) target, which the NCLB labeled 913 newly-identified campuses as failing. "The failure here is our politics, not our public schools," Torklason said.

NCLB requires schools and districts who don't meet the federal Adequate Yearly Progress (AYP) criteria for two consecutive years to be identified as PI. Schools in PI are subject to a fiveyear timeline of intervention activities.

All but one Mariposa County school met the state's API growth requirement. Only Sierra Home School did not reach its state growth target. Even though Mariposa Elementary and Mariposa County High School did meet the state requirements, they did not meet the federal requirements. They are now in PI year-one status.

> SEE TESTS ON Page A-10

said everything was up a bit from last year. "So we're very, very pleased," he said on Tuesday.

For some, the thought of this possibly being the last fair brought them out. For others, it was the fact that they had never, ever, missed a fair in their lives. "It was an outstanding fair," Bullis continued. "I think that everybody kind of savored it more now that it is threatened."

Mariposa's fair, and many others in the state, are under the gun after the state eliminated all fair funding earlier this year. A very active group, the Friends of the Fair Foundation, was out in force all weekend to drum up community support for the non-profit organization hoping to save the local fair. Business was brisk at its booth all weekend. The group was collecting memberships for \$20 for individuals and \$40 per

See FAIR on Page A-10

Supervisors back sidewalk upgrades

By Jill Ballinger GAZETTE EDITOR

Downtown Mariposa can be difficult to navigate on foot, even for the most able-bodied person. It can also be absolutely prohibitive to someone who has a disability.

Now, at least one downtown building owner wants to do something about that, and she appears to have the backing of the Mariposa County Board of Supervisors. On Tuesday, the board discussed a request from Helen Kwalwasser that asked for its support in getting Caltrans to make downtown sidewalks compliant with the Americans with Disabilities Act (ADA).

SEE SIDEWALKS ON PAGE A-10

INSIDE
First Baptist Church
finally ready for use
See Page A-3

Printed on recycled paper

Opini	on	Page A-5	WEATHER			
			According to the Na- tional Weather Serv-			
		Page B-1-2	ice, the weekend's			
-		Page B-9	weather will bring			
	Education	0	lowering, near normative temperatures.			

QUESTION OF THE WEEK

What effect would raising Lake McClure's level have on Mariposa County? If you would like to share your opinion, please send a "letter to the editor." Instructions are on Page A-5.

avl's

Partly sunny

94° 61°

County Fire breaks ground at Bridgeport

Following nearly two decades of effort to bring a community-based fire station to the Bridgeport area, a public ground breaking ceremony is scheduled for Tuesday Sept. 13. Festivities will begin at 2 p.m. at the cor-ner of Old Highway and Creek Ridge Road.

The Mariposa County Board of Supervisors and County administration will join Mariposa County Fire Department to celebrate commencement of this long overdue project.

"Ôver two decades ago then Fire Chief Dan Tinnel identified a need for a fire station in the

vicinity of Old Highway and Yaqui Gulch roads," said current Fire Chief Jim Wilson. The effort has been underway ever since.

In 2009, the Board of Supervisors identified this project as the number one priority for fire station improvements and appropriated funding to make the project a reality. Palmer Construction of Cathey's Valley was the successful bidder and will begin preliminary work at the site on Monday, Sept. 12.

The ground breaking event is open to the public. The community is encouraged to attend.

9/11: Ceremony Planned

CONTINUED FROM FRONT PAGE

service, law enforcement, military and civilians. A member of the Mariposa community will speak on behalf of each group and pay homage to that great loss while relating the subsequent events of the last decade to its effect on Mariposa. Also featured will be the Grizzly Marching Band, VFW Honor Guard, Mariposa County Board of Supervisors, sheriff's department chaplain and a Mariposa-based bagpiper.

The commemorative service is open to the entire community and the 9-11 Memorial Committee encourages everyone to attend. Those attending should bring a lawn chair or blanket and for an afternoon in the Art Park.

ANNIVERSARY: Remembered

CONTINUED FROM FRONT PAGE

home, but the ugly news found them.

Mariposa County Supervisor Lee Stetson was in the high country that day. On Tuesday, he said he has returned there on Sept. 11 each year since the attacks. He listened on a portable radio as the world changed while he enjoyed the beauty of Yosemite's high Sierra.

Supervisor Kevin Cann said the attacks were as memorable as the day John F. Kennedy was assassinated, forever burned into the minds of Americans and the history books. He said the attacks and ensuing plans to provide for homeland security forever altered the security in and around Yosemite National Park, where he was working at the time.

Hetch Hetchy Reservoir was surrounded first, to protect the City of San Francisco's water supply. Then, Cann said, nearly all Park law enforcement were sent to New York and Washington DC.

Stunned disbelief came first. Then, in some cases, blinding anger and cries for retaliation. Whatever the reaction, the bottom line was that few could recall a national tragedy as shocking and heartbreaking as

the one on that morning. Mariposa resident and veteran Bob Boyer who was in Mariposa when Pearl Harbor was attacked said the events of Sept. 11, 2011, were "more devastating"

DAM: Controversy Surrounds Plan

CONTINUED FROM FRONT PAGE

After study, state and federal environmental law would kick in, "requiring review and public com-ment periods" before the project could move forward, Jensen said.

This summer, the Obama administration went on record opposing the plan, however. "It would, for the first time, de-designate a seg-

ment of (Wild and Scenic) river previously desig-nated by Congress," Bureau of Land Management Director Robert V. Abbey told the House Natural Resources Committee on July 26.

"The Department of the Interior... opposes (Rep. Denham's legislation)."

The Department of the Interior includes the National Park Service and Yosemite National Park.

Local reaction to the proposal is mixed. "I think the project is a good project, but I don't support (Rep. Denham's) bill," said Mark Rowney, Mariposa Public Utilities District's general manager

and a consultant to the county on the issue. "I believe there should be a public comment period (on altering the Merced's Wild and Scenic designation)," he said.

Mariposa County Supervisor Lee Stetson opposes the plan.

"To enact (Denham's) bill would forever threaten both Wild and Scenic rivers and endangered species everywhere," he said.

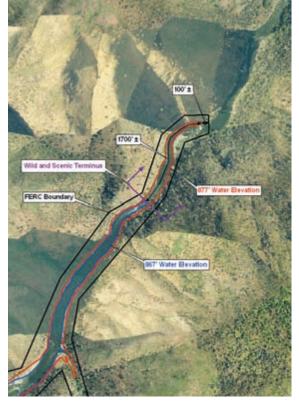
Environmentalists worry that fiddling with the Wild and Scenic Rivers Act would open the door to multiple proposals on the nation's 158 other protected rivers.

Mariposa activist Ralph Menderhausen called Denham's proposal "precipitous."

"It is a no-brainer that other irrigation districts will



MERCED IRRIGATION DISTRICT CONTRIBUTED **Merced Irrigation District General Manager John** Sweigard and surveyor Mike Silva visit the Merced River near the New Exchequer Dam's and Lake Mc-Clure's federal operating license boundary, located just upstream of the bend in the river seen here. A proposal to raise the dam's capacity by 10 vertical feet would require the boundary to be pushed approximately 1,800 feet farther upstream



MERCED IRRIGATION DISTRICT CONTRIBUTED

An aerial photo shows the portion of the Merced River that would be affected by a proposal to move the river's boundary for federal Wild and Scenic Rivers Act protection approximately 1,800 feet upstream. The FERC boundary displayed on the map refers to Lake McClure's Federal Energy Regulatory **Commission license to operate**

watch this issue and follow suit if (Merced Irrigation

District) gets away with this," he said. Menderhausen will participate in a panel discussion on the issue next Thursday, Sept. 15 at St. Joseph's Catholic Church. The panel includes the MID's Hicham Eltal and Steve Smallcombe of Mariposans for the Environment and Responsible Government (MERG).

The discussion starts at 7 p.m. at 4985 Bullion Street.

MERG says the proposal "would set a very bad precedent."

Mariposa County Supervisor Janet Bibby said the issue is "complicated."

Anyone who reads even a portion of existing documentation on the plan will agree with that. The board of supervisors has not taken a united

position on the issue, Bibby explained. "We're navigating carefully," she said. "We're

weighing the pros and cons of all sides."

If draft text is approved for a new federal license for the dam in 2014 (a related but separate issue from raising the dam) Mariposa County could enjoy a 20percent share of hydroelectric revenue, she noted.

Senator Boxer has been briefed on the issue, but has not taken a position on it, spokesman Zachary Coile said.

Another group interested in the proposal are whitewater tour operators.

"I've had some calls from the rafting companies (that offer trips on the Merced)," said Jeff Hentz of the Yosemite Mariposa County Tourism Bureau. "They're very concerned about it."

TESTS: Schools Face Hurdles

than those of Dec. 7, 1941.

"Pearl Harbor was taken at military objective," Boyer said that day. "This is not. It's unconscionable that this could happen."

Boyer had a prediction that day that is poignant today, as America remains at war 10 years later. "This may be the start of something more devastating than what we're witnessing today. It's very scary.

In fact, it was the start of something much bigger. Since that day, American troops have been deployed in the Iraq and Afghanistan. Saddam Hussein was captured and killed. the Taliban continues to be a security threat all over the world.

As of Tuesday, Sept. 6, at least 4,474 members of the U.S. military have died in the Iraq war since it began in March 2003, according to an Associated Press count. The figure includes nine military civilians killed in action.

Of those, 3,524 military personnel died as a result of hostile action, according to the military's numbers.

Since the start of U.S. military operations in Iraq, 32,186 U.S. service members have been wounded in hostile action, according to the Defense Department's weekly tally.

AccuWeather 6-day Forecast for Mariposa

THU. NIGHT	FRIDAY		SATURDAY		SUNDAY	MONDAY		TUESDAY				
\geq	200		25		25		5 2		<u> </u>			
Mainly clear	Partly sunny		An afternoon t-storm possible		A hunderstorm possible	Mostly sunny		Partly sunny				
65 °	94°	61°	8 <mark>9° 57</mark> °	> .	85° 57°	85°	56°	84 °	55°			
California Cities AccuWeather .com												
	Friday	Saturday				Friday	Satur	day	Sunday			
City	Hi/Lo/W	Hi/Lo/W			City	Hi/Lo/W	Hi/Lo		Hi/Lo/W			
Alturas	93/44/s	91/41/pd			Paso Robles	96/57/s	91/54		87/53/pc			
Bakersfield	95/71/pc	93/69/pd			Porterville	95/66/pc	93/65		90/63/pc			
Barstow	96/71/pc		oc 99/67/pc		Redding	103/66/s			93/57/pc			
Big Bear	71/43/s	69/40/pc			Ridgecrest	94/72/pc	98/66		91/65/pc			
Chico	98/66/s	98/61/po			Riverside	96/61/s	91/58		90/58/pc			
Crescent City	60/50/pc	60/49/s	56/48/pc		Sacramento	95/59/s	92/57		85/57/pc			
El Centro	103/76/s		oc 100/71/pc		San Bernardino		91/61		89/60/pc			
Eureka	63/48/pc	60/49/pc			San Diego	78/66/pc	76/65		75/66/pc			
Fresno	95/69/pc	95/67/po			San Francisco	75/57/pc	71/56		69/56/pc			
Lemoore	95/64/pc	93/62/pd			San Jose	85/61/pc	80/58		77/58/pc			
Livermore	93/60/s	87/58/pc			San Luis Obispo		73/56		71/56/pc			
Los Angeles	87/64/s	79/63/pc			Santa Barbara	73/56/pc	71/56		70/55/pc			
Madera	95/64/pc	94/61/po			Santa Maria	72/56/pc	70/55		70/55/pc			
Merced	95/64/pc	93/61/po			Santa Rosa	86/53/pc	81/51		75/51/s			
Modesto	96/65/pc	93/64/po			Stockton	96/62/s	93/60		89/60/pc			
Napa	83/56/s	81/55/pc			Susanville	90/56/s	86/54		83/52/pc			
Needles	102/80/t		oc 99/78/pc		Tahoe Valley	77/43/t	78/41		75/40/pc			
Oxnard	72/60/pc	70/58/pc			Ukiah	100/54/s	95/53	3/pc	88/52/pc			
Palm Springs	102/76/s		oc 99/76/pc		Visalia	93/66/pc	92/63		89/63/pc			
Palo Alto	82/66/pc	75/61/pc			Watsonville	73/56/pc	71/56		68/55/pc			
Pasadena	89/66/s	82/63/pc	: 82/64/pc		Yuba City	97/64/s	95/61	l/pc	90/61/pc			
W-weather, s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.												
Moon Phases Yosemite National Park												

Full Last New

First Sep 12 Sep 20 Sep 27 Oct 3 Forecasts and graphics provided by

AccuWeather, Inc. ©2011

emite National Park FRIDAY: Partly sunny and nice. High: 78° SATURDAY: A p.m. t-storm possible. High: 80°

SUNDAY: Some sun, a t-storm possible. High: 74°



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family.

Regardless of the reason, the grounds were bustling with activity all weekend long. From the family fun night on Friday to the auction on Sunday to the Mariposa Symphony Orchestra on Monday, the fair had something for everybody.

FAIR: Finishes Great Run

"We made it through another wonderful fair," Sheriff Doug Binnewies said on Tuesday at the board of supervisors meeting. "Law enforcement activity was almost none," the sheriff said, noting there were only two arrests on the grounds all weekend. "That's very low for us. Everyone was having a good time," he concluded.

Supervisor Janet Bibby said, once again, the fair proved to be family-friendly. "Where else in the state can you let your kids go to the carnival without wor-rying about them?" She added, "It's a once a year family reunion."

Supervisor Kevin Cann and his family hosted a German exchange student over the weekend and took her to the fair. "It was one of the most proud experiences I could give that kid to see our fair," he said.

Cann called the Mariposa County Fair "Americana at its best." He noted its value to the community. "There is no piece of real estate that's more emotionally owned by the county than the fairgrounds," he said.

A complete list of winners from the Mariposa County Fair will appear in the Sept. 15 edition of the MARIPOSA GAZETTE.

SIDEWALKS: Upgrade Requested

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Board Chairman Jim Allen read the request, as Kwalwasser was unable to attend the meeting. She owns the building that houses the Gold Coin Tavern. Her request was specific to the area adjacent to her building, but the board considered the entire downtown area in its discussion.

Supervisor Kevin Cann said that Kwalwasser's request represents "a minor part of a major issue" in the downtown area. "This board needs to take a position and be proactive," on the issue, Cann said.

Caltrans owns the sidewalks and is currently facing some litigation because of them, Cann said. "It would behoove this board to talk with the (Caltrans) director," Cann added. He suggested that Caltrans bring the sidewalks into compliance and then have Mariposa County take ownership of them.

The board estimated the repairs to costs nearly \$1 million.

Eleanor Keuning, a member of the Historic Sites Commission, agreed that sidewalks are only part of the problem. "It isn't just one issue," she told the board. "It's the parking, the sidewalks, a lot of different things.'

Keuning added that the problem is not a new one. "It's been festering for years and years," she said. "We CONTINUED FROM FRONT PAGE

Lake Don Pedro Elementary "froze" in yearone status, which means they actually improved but must show improvement in two consecutive years. Mariposa Middle School was in year-one status and did not improve, thereby putting it in year-two status.

MCUSD Director of Educational Services Celeste Azevedo explained that schools in year-one status must investigate procedures targeting areas that need improvement, as shown by test scores. The district must notify parents of the school's status and offer them a "school of choice" option. Azevedo explained that local students can choose the Sierra Yosemite Virtual Academy as an option.

Schools in year-two status must also offer parents a school of choice option and free tutoring after school. The district must also allocate 20 percent of its federal Title 1 funding to pay for such services.

If a school reaches the year-three status, corrective action must be taken. Azevedo said that because MCUSD and the Mariposa County Office of Education are nearly one in the same, the state board of education must

determine what that corrective action is.

Azevedo was as frustrated as Torklason with the confusing process. comparable "Our schools rating is very strong," she said. She also believes that because MCUSD schools have performed so well in years past, besting those scores is difficult.

Regardless of the myriad of numbers that proclaim to show the success of a school or district, MCUSD Superintendent Aaron Rosander remains proud of local schools and educators.

"Our schools showed impressive gains on California's API, and our district is filled with schools that have topped the 800 mark," he said.

"From this perspective, we have much of which to be proud," Rosander continued. "And, while I applaud the excellent work of our educators, I remain cognizant of our obligation to improve."

Rosander is optimistic about the future. "I am confident that with focus in specific areas that our schools will continue to excel and that AYP targets will be met in future years," he said. "As good as MCUSD already is, the best is yet to come."

need to look at downtown seriously in an overall picture."

Ruth Catalan agreed that the sidewalks need upgrading, but said the responsibility for their maintenance should stay with Caltrans.

Following the discussion, the board decided that Supervisors Cann and Janet Bibby should be in contact with the Caltrans District 10 director to begin conversations about how to handle the issue.

"It is a big deal, and one we need to be in front of," Cann concluded.

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