

### **MARTIN: Merced River can be studied without endangering status**

**By Michael Martin**

On March 7, The Bee encouraged Congress to approve HR 934, which, if passed, could annul protection for a portion of the Wild and Scenic Merced River. This recommendation is a curious one because studies and state review of those actions can occur without HR 934; in fact, the Merced Irrigation District is free to do them right now.

More importantly, the Merced district will find that the proposed project might capture a little more water, a little more energy, but not enough for most people to notice — certainly against the background of natural variations in weather, climate, and environmental responsibilities, and possibly in light of changing environmental regulations and responsibilities to downstream interests and public trust resources that rely on Merced River flows.

Possibly of greater significance, the project will prove infeasible because of major dam safety problems, cost, environmental injuries, and a probable violation of state law — constraints that are beyond Rep. Tom McClintock's ability to cure.

HR 934 has little to do with producing additional yield that could be diverted into the Merced district's canals, described by the district as an average potential increase of about 2.5 percent per year.

Already, 32 miles of the Merced River are dedicated to the Merced district and PG&E reservoirs. This issue transcends the Merced River and is about our National Wild and Scenic Rivers system. Obviously the dam raise would cause direct impacts to the Merced Wild and Scenic River, its recreational use and the environment. Proponents don't mention that.

Behind the veil of de-designating a portion of the National Wild and Scenic Rivers System, for the first time in our nation's history, converting a free-flowing river into a still reservoir, lays another potential juggernaut: What is next, flooding Yosemite Valley? After all, it's only a national park, it is not far upstream and it has been done before.

That they seek to do this for a dam raise concept that has not been developed and studied by the Merced district or studied and reviewed by state officials is shocking — and wrong.

Certainly on the basis of an unstudied, likely infeasible, and nonreviewed project, the Merced district should not be approaching Congress to revoke the permanent protection for this reach of the Merced River, a status which the Merced district's board unanimously negotiated and agreed to in 1991. At the minimum, the Merced district owes that to our nation and the numerous visitors to the Merced River.

Whether or not the Merced district decides to move forward on this project, I hope that it will accept that it should be thankful that its (and Mariposa's) Merced River watershed is protected by Yosemite National Park and the protected Merced River. I am sure that our numerous national and international visitors to the Merced River would be grateful for that.

Some may wish to speculate about the motivations behind HR 934, noting its author represented Southern California districts in the Legislature. A predecessor bill, authored by Rep. Jeff Denham, was supported by the Westlands Water District and a major Kern County player delivering water to Los Angeles. Some benefit might be accrued to them from this project, but the significant benefit for them would be Congress' default and reversal on permanent protection for the Wild and Scenic Rivers System, to be exchanged for supply water to California Southlands and selenium-tainted farms on the west side of the Southern San Joaquin Valley.

Maybe that is what HR 934 is really about.

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