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Making peace on Mokelumne

Disputed river now user-friendly

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JACKSON -- It once was California's only river with a no-trespassing sign across its banks.

Adamant about keeping people off "their" water, officials with the East Bay Municipal Utility District prosecuted kayakers who tried to float down a 2.5-mile stretch of the Mokelumne River south of Jackson. The result was decades of haggling, arrests and bitterness over a forbidden section of river.

On Friday, the two sides put those ugly years behind them. Helped by a \$133,000 state grant, EBMUD unveiled a new boat landing on the Mokelumne, ending one of California's oldest disputes over public-trust waters.

"This is a pretty amazing day," said Violet Jakab, an engineer who kayaked down part of the Mokelumne with four friends. "There are plenty of lakes in California, but a free-flowing stretch of river is a rare thing."

Also rare are public acts of contrition by the East Bay utility, which has 1.2 million customers and receives much of its water from the Mokelumne. Although long accused of acting imperiously in guarding its Sierra-fed water, East Bay leaders pledged at the ceremony to work with their Amador and Calaveras counterparts.

"Communication is essential," said EBMUD General Manager Dennis Diemer, whose agency recently declared a truce with Sacramento over water from the American River. "If you are going to get anything done in California water these days, it has to be done collaboratively and with partners."



Traversing a placid valley of oak-studded foothills, the Mokelumne west of Highway 49 seems an unlikely spot for clashes pitting armed guards against paddlers.

Yet that's what happened, starting in the 1950s, when river runners began testing the resolve of EBMUD, which owns 28,000 acres on both sides of the river west of Highway 49.

Gerald Meral, former director of the Planning and Conservation League, was one kayaker who ignored a no-trespassing sign and paddled into the forbidden zone in the early 1970s.

EBMUD guards "approached us at gunpoint," recalls Meral. "It was pretty scary."

In shooing away boaters, utility officials claimed they were simply trying to protect water quality. The river runners didn't buy it.

They noted that boating had long been allowed upstream of the Highway 49 bridge, and also downstream of the closed section, in Pardee Reservoir, which is controlled by the utility.

Many suspected that EMBUD instead was trying to protect its prospects of building a future dam on the Middle Bar stretch of the Mokelumne.

"All that time, they had plans for either building another dam, or raising Pardee Dam downstream," said Katherine Evatt, a river advocate who heads the Foothills Conservancy. "So they were never interested in building a recreational constituency for that part of the river."

A key turning point came in 1999, when the state attorney general's office and the State Lands Commission sided with the displaced boaters and started pressuring the utility.

Arguing that the public had a right to access publicly owned waters, state officials told EBMUD they might challenge its federal hydroelectric license if it didn't seek a compromise.

That year and the next, Amador and Calaveras sheriff's deputies, acting at the utility's urging, arrested kayakers for trespassing. But district attorneys in both counties refused to prosecute the boaters.

"When that happened -- bam!" said Ron Stork, a senior policy advocate for Friends of the River. "EBMUD was forced to realize they couldn't restrict access to the river."

Diemer, the EBMUD manager, agrees.

"At that point, we realized there was nothing we could do," said Diemer. "We wanted to get beyond this adversarial relationship."



At Friday's ceremony, utility officials unveiled a new 20-car parking lot and bathrooms that will allow kayakers to easily exit the river as it flows into the slack water of Pardee Reservoir.

EBMUD employees worked for months to build a rustic iron fence around the site that matches the nearby Middle Bar Bridge, a historic structure that was recently restored. The total cost of the takeout area was less than \$160,000, financed largely by a grant from the California Department of Boating and Waterways.

As kayakers pulled their boats out of the water Friday, many marveled that, after years of bickering, EMBUD officials and recreationists were breaking bread together.

"It's pretty hard to imagine," said Lisa Trankley, a state deputy attorney general who, just two years ago, was locked in tense discussions with the utility. "There are many people who thought this would never happen."

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