

# Don't give a dam? Be there Tuesday

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by Buzz Eggleston**

When San Francisco got Congress to approve a dam on the upper Tuolumne River in 1913, the people of Tuolumne County embraced it. It gave San Francisco a near-eternal claim to pristine Sierra water and it gave precious temporary jobs to hard-pressed Tuolumne County people who saw fresh water as virtually limitless. It seemed like a fair deal to everyone at the time, except to a few environmentalists.

Today, there's a loud cry for San Francisco to tear down its dam, an edifice that drowned the Hetch Hetchy Valley, a natural wonder often compared to neighboring Yosemite Valley. And today, too, the people of Tuolumne County are living under the most severe water restrictions they have ever faced. They are forced by drought to turn off their spigots or face staggeringly high water bills and fines.

Decisions have consequences.

On Tuesday, Calaveras County supervisors will revisit a decision they made in February to support a state Wild and Scenic River designation for a 37-mile stretch of the Mokelumne River upstream from Pardee Reservoir. Difficult to access for much of the way, still the river is used by kayakers, anglers and nature enthusiasts. Plus it is revered by American Indians whose ancestors gained sustenance from it. Clearly it meets the criteria for a Wild and Scenic designation. But some – in particular the directors of the Calaveras County Water District – oppose it.

The CCWD directors fear that a Wild and Scenic River designation might obstruct their future ability to tap the river for more water, hampering their mission to supply water to new and existing district customers. Already demand has outstripped supply, of course, as west Calaveras County homeowners increasingly deal with failing groundwater wells. The cry, which will become louder, is that something must be done.

Done by politicians, of course.

Calaveras Supervisor Cliff Edson supported the Wild and Scenic proposal in February but now is having second thoughts. In a June 17 letter to state Assemblyman Frank Bigelow, he explained why.

“When it left our chambers, it turned into SB1199,” Edson wrote in part, “at first I felt thrilled to be a part of history in the making, and was told that this would be a very good bill for all of the people and for the river. As I started communicating with the local water agencies, I found out that they were not a part of the process and had no input in the amendments to SB1199. To me it is now about SB1199 and not the river or the people that will be affected. I cannot support SB1199 as it is written! Furthermore, the political process has taken our local water agencies out of the process and gives no consideration to what they think is important for our future in Calaveras County.”

Edson then asked Bigelow to help delay action on SB1199 until “all stakeholders can be a part of the process.”

A delay, of course, would derail legislative action on SB1199, which is what opponents want. Restarting it would be a formidable task, and what Edson perhaps didn't know is that CCWD and others are in the thick of negotiations on amendments to SB1199 aimed at making it palatable to all. A sticking point in those negotiations has been the water agency's uneasiness with a provision in the law that protects the “free flowing” of water in any river section designated Wild and Scenic.

According to Tuesday's Enterprise, CCWD contends those words are too vague and might lead to future litigation if not clarified. Unlikely. The words “free flowing” are embedded in the state's Wild and Scenic law, enacted in 1972, which has been applied to 14 rivers in the state over the past 42 years. Virtually all of them, like the Mokelumne, are regulated by dams. In all that time, there's been a paucity of litigation arising from the designations, so CCWD's fears in this regard don't appear all that justified.

In my view, what CCWD's directors and what other opponents of a state Wild and Scenic River designation for the Mokelumne River seem to fear most is their own uncertainties, their own lack of knowledge and their own ability to see into the future. All of us face such fears at one time or another, but theirs are compounded by their responsibility to the customers they serve. That's understandable.

They have another responsibility, too, however. It is to all future generations of Calaveras County residents. We owe it to them, to the best of our abilities, to preserve for their use and their enjoyment the natural wonders of this place, the treasures that brought many of us to live here and hopefully will continue to bring people here.

We can plunder our resources for all they are worth; we can use all the water the rivers can produce and leave only dry streambeds in their memory. That will not satiate the demand for more water. We have to be more creative than we have been in the past. And as we do that, the burden of proving a public benefit from depleting our resources should be on those who propose to do so. A Wild and Scenic designation for the Mokelumne River helps place that burden where it rightfully belongs. Destroying rivers ought not to be easy. It should be hard.

We can repeat the mistakes others have made, we can destroy great valleys and drown beautiful rivers, or we can learn from those mistakes and choose a new direction. That's the decision Calaveras County supervisors will face on Tuesday evening.

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