

# Setting The Record Straight On River Flows

Guest Editorial, Amador Ledger Dispatch, March 27, 2015

By Pete Bell

I am writing in response to a recently published letter to the editor to set the record straight about some Mokelumne River issues, history and Foothill Conservancy.

The East Bay Municipal Utility District and Foothill Conservancy did agree that amendments were needed to Assemblyman Bigelow's Wild and Scenic Study Bill, AB 142. The assemblyman apparently did, too, because he accepted extensive Assembly Natural Resources Committee amendments to his bill, including those that provide interim protection for the Mokelumne before it's designated a state Wild and Scenic River. The amendments also name the Mokelumne as a potential addition to the state Wild and Scenic River system. Assemblyman Bigelow praised the river in his Legislative testimony this week and said his bill is not intended to stall or stop its permanent protection.

But EBMUD and the Conservancy haven't always seen eye to eye. In the late 1990s, the Conservancy worked with the State Lands Commission to pressure EBMUD to open the Middle Bar Reach of the Mokelumne to the public. EBMUD had kept the public off the river for decades. Eventually, EBMUD did open the river. Since then, EBMUD has constructed parking and other facilities at Middle Bar, a trail along the river, and last year, side trails down to the river for families and anglers to enjoy. The river opening, trail route and side trails were accomplished because of the Conservancy's diligent and persistent public advocacy.

In 2009, the Conservancy led foothill and statewide opposition to EBMUD's proposal to flood the Mokelumne's Middle Bar reach and lower Electra Run by expanding Pardee Reservoir (which included no water for Amador County). Locally, the Conservancy was joined in this fight by the Amador County Board of Supervisors, Amador Water Agency, four cities, the Amador County Historical Society, Rep. Dan Lungren, Assemblywoman Alyson Huber and many others. EBMUD approved the dam expansion anyway. So the Conservancy and two other conservation organizations sued the huge utility — and won after a costly court fight. "Cozy" would not be the right word for our relationship with EBMUD then.

Neither is it the right word today. Foothill Conservancy does have a productive, professional working relationship with EBMUD, just as it does with PG&E and most public entities that work on or around the Mokelumne River. But the implication in the recent letter that we are somehow colluding to get EBMUD

water would be laughable, if not for its malicious intent. It's patently untrue. EBMUD is entitled to the water in its water rights. Nothing more.

We hope that PG&E will write to address the misinformation published about the recreational boating requirements in its Federal Energy Regulatory Commission license and incorporated settlement agreement. Meanwhile, it's important for the public to know that recreational boating flows are required by that federal license. The flows do move water downstream, as PG&E is required to do under a set of legal rulings from the 1930s called the Lodi Decrees. Those rulings require PG&E and EBMUD to move water down the Mokelumne River to the Lodi area throughout the year. They are for that area's benefit, not EBMUD's.

The water used for boating flows in 2014 would have gone downstream for that reason one way or another. But because the water was released at specific, announced times and specific volumes, the flows attracted nearly 750 kayakers to the North Fork Mokelumne's Tiger Creek Dam Run alone, and countless others to the Electra Run. River users came from as far away as Southern California, spending money in local businesses during their visit, just like visitors who come for other kinds of outdoor recreation activities on our public lands and river.

The Conservancy is very aware of the critical nature of the drought. But we also understand the complex system of legal rulings, licenses and permits that governs the flow regime on the Mokelumne River because of our 25 years of river conservation experience. We are happy to help others understand them, too. If you would like more information on this or other Mokelumne River subjects, feel free to contact our office by calling (209) 223-3508.

*Editors note: R. Winston "Pete" Bell, Jr. is the Vice-President for the Foothill Conservancy*

<http://www.ledger-dispatch.com/news/setting-the-record-straight-on-river-flows>