

1974

WILD AND SCENIC RIVERS INITIATIVE

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Ballot Title

WILD AND SCENIC RIVERS. INITIATIVE. Amends Public Resources Code to designate specified portions of the main stem of the Stanislaus River as components of the California Wild and Scenic Rivers System. Prohibits construction or operation of flood control structure which would substantially diminish the public use or enjoyment of the specified portions of the river. Does not prohibit structural or nonstructural measures necessary for flood protection provided that such measures would adversely affect those designated portions of the river only for necessary temporary flood storage. Allows Legislature to amend measure by two-thirds vote. Financial impact: Minor cost to state.

Analysis by Legislative Analyst

PROPOSAL:

In 1972 the Legislature passed and the Governor signed into law the California Wild and Scenic Rivers Act. The act said that portions of five rivers which are very scenic and are excellent for fishing, wildlife or for recreation should be preserved in a natural flowing condition for the benefit and enjoyment of the people of California. Four of the rivers, the Klamath, the Trinity, the Smith and the Eel, are located in Northwestern California. The fifth is the American River northeast of the City of Sacramento.

This proposition would include two portions of the Stanislaus River in the California Wild and Scenic Rivers Act. The Stanislaus River is located south and east of Stockton. One of the portions to be included is in the Sierra Nevada foothills from Camp Nine to Parrott's Ferry. The second is in the San Joaquin Valley from Goodwin Dam to the San Joaquin River.

The proposition would permit the construction only of flood control facilities, such as levees or dams, needed to protect lives and property. In addition the dams could back water up over the protected portions of the river only for flood control purposes and only for short periods of time.

The state's Resources Agency would have to prepare a plan to preserve the scenic, fishing, wildlife and recreational values of the river. In doing this, the agency

would be required to hold public hearings and to work closely with the counties through which the river flows. The Resources Agency would then give the completed plan to the State Legislature for its approval. After the Legislature approves the plan, the Resources Agency would carry it out.

The proposition would prevent, on the portions of the river affected, the construction of dams by state and local governments, and by private persons or corporations, except for flood control purposes as discussed above. No state or local dams are now being considered which would affect the portions of the river included in this proposal.

However, the federal government is preparing to build the New Melones Dam and Reservoir on the Stanislaus River. The reservoir created by this dam would cover portion of the river between Camp Nine to Parrott's Ferry, which is proposed for protection by this proposition. Although this state proposition would not affect the authority of the federal government to construct the New Melones Project, an indication by the state's voters that they want the river preserved in a wild status may have a bearing on the federal government's decision.

FISCAL EFFECT:

The cost to the state to prepare the plan to protect the river is estimated to be minor.

Text of Proposed Law

This initiative measure proposes to add new provisions to the law. Therefore, the new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

STANISLAUS RIVER PROTECTION ACT OF 1974

Section 1. The people of the State of California do hereby find and declare that the Stanislaus River between Camp Nine and Parrot's Ferry Bridge is a unique and extraordinary river resource, possessing unusual and valuable caves and geological formations, the State's most heavily used whitewater boating area, spectacular limestone cliffs, and an important trout fishery. For these reasons the State Water Resources Control Board has declared the Stanislaus River to be "a unique asset to the state and the nation".

The Stanislaus River from Goodwin Dam to the junction of the San Joaquin River is an outstanding example of a Central Valley river, possessing large expanses of riparian habitat, valuable canoeing waters, many historical sites, and a noteworthy salmon fishery. It is one of a very few such rivers remaining in California.

Section 2. Sections 5093.66, 5093.67, 5093.68, and 5093.69 are added to Chapter 1.4 of Division 5 of the Public Resources Code, to read: 5093.66 The following rivers are hereby designated as components of the California Wild and Scenic Rivers System: main stem of the Stanislaus River from the bridge at Camp Nine to the Parrot's Ferry Bridge; and main stem of the Stanislaus River from 100 yards below Goodwin Dam to the junction of the San Joaquin River.

5093.67 Nothing in this chapter shall be construed to prohibit any measures for flood protection, structural or nonstructural, necessary for the protection of lives and property along the Stanislaus River; provided, however, that the Secretary of the Resources Agency shall insure that such measures will adversely affect those portions of the Stanislaus River designated in section 5093.66 only when necessary to provide temporary flood storage.

5093.68 No flood control structure on the Stanislaus River shall be built or operated in such a manner as to substantially diminish the public use and enjoyment of the portions of the Stanislaus River designated in section 5093.66.

5093.69 If it deems it necessary, the legislature may amend sections 5093.66 to 5093.68 of this act by a two thirds vote.

Argument in Favor of Proposition 17

PLEASE VOTE YES AND SAVE THE STANISLAUS RIVER.

This initiative places part of the Stanislaus River under the protection of the State Wild and Scenic Rivers Act. The Stanislaus is the most popular whitewater recreation river west of the Mississippi and one of the last of its kind in California. Originating in the Emigrant Wilderness just above Yosemite, it flows past ancient limestone caves where Miwok Indians buried their ancestors centuries before Christ. Here Chief Estanislao made his last stand against the cavalry. On its banks Mark Twain and Bret Harte wrote their finest works, and the forty-niners took millions in gold from the rich river canyon.

Today the river's colorful history, diverse geology, and scenic beauty make it a popular field classroom, and exciting rapids like Devil's Staircase, Razorback, and Chicken Falls attract thousands of people from all over the State. Each year some 80,000 Californians — trout fishermen, campers, hikers, scouts, cavers, rafters, and kayakers — enjoy the natural gifts of the Stanislaus. Downstream the Stanislaus supports a major salmon fishery and is a uniquely beautiful canoeing river.

But if the Army Corps of Engineers has its way, the Stanislaus will be only a memory. The Corps plans to pour 62 stories of rock and concrete costing over 260 million of your tax dollars in the middle of the river, creating the second largest rockfill dam in the nation. The Corps claims this giant porkbarrel project is needed for flood control, irrigation, and power.

Is the big dam necessary for flood control? No. The Corps freely admits that a dam less than a fifth the size would serve all flood control needs. **THE RIVER INITIATIVE WOULD ALLOW THE CONSTRUCTION**

OF A SMALLER, LESS EXPENSIVE AND LESS DESTRUCTIVE DAM THAT IS ADEQUATE FOR FLOOD CONTROL.

Is the big dam necessary for the storage of irrigation water? No. California's Water Resources Control Board found that the Federal Government "has no definite plans as to when or at what specific location project water will be used," and ruled that the dam could not be filled. The Federal Government is now suing the State in an attempt to overrule that decision.

Will the big dam provide a substantial amount of electricity? No. New Melones, even if filled, could provide only a few hundredths of one percent of the State's electricity needs. Even this small amount of power is made possible only by huge government subsidies. In ruling against filling the dam, the Water Board found that the river's scenic and recreational values make it a "unique asset to the State and the Nation," which far outweigh the value of the small amount of power the dam could generate.

Can the People of California deliver the River? YES! By voting "yes" on Proposition 17, we can stop this quarter billion dollar Federal boondoggle, and send the message to Washington that Californians intend to preserve at least one of our few remaining wild rivers. **Please vote yes on Proposition 17.**

DENNIS VIERRA
State Director, Friends of the River

JOYCE KOUPAL
Los Angeles County Energy Commission

MARGE MOBLEY
Director, Calaveras County Chamber of Commerce

Rebuttal to Argument in Favor of Proposition 17

Proponents continue to deliberately and knowingly mislead the public and misstate the facts. They claim above there is no need for the water that will be stored behind the New Melones Dam and that the California Water Resources Control Board has ruled that the dam cannot be filled. This despite the fact that on April 29 the Chairman of that Board wrote "Friends' Of The River".

"The Board approved the water right applications for the full amount of water to be stored behind the dam but with the proviso that until such time as the four basin counties are prepared to use the water, only enough water to take care of prior water rights, flood control, fish and wildlife and water quality below the dam, estimated at about 1,100,000 acre-feet, can be stored. It was recognized that even this amount will inundate a substantial part of the nine-mile reach of the river above Parrott's Ferry Bridge at times, but

that in the summer months only a small part of this reach will be affected.

"I feel that you and the other sponsors of the initiative owe a duty to the public to correct the inaccuracies in your statements concerning the Board's position."

The statement on taxes continues the misrepresentation. **NO TAXES WILL BE LEVIED.** Instead, income tax money paid by Californians will be returned for our benefit instead of being spent elsewhere. Word limitation prevents other examples. **DON'T BE MISLED. Vote NO on Proposition 17.**

JOHN HERTLE
President
Stanislaus River Flood Control Association

ALEXANDER HILDEBRAND
Member, Sierra Club
Director, South Delta Water Agency

Argument Against Proposition 17

The issue in Proposition 17 is whether a relatively small number of rafting enthusiasts, joining with a small number of commercial rafting companies who profit by their activities, shall block a project that has the approval of both state and federal governments and would enhance the environment in many significant ways.

This measure was qualified as an initiative with petitioners claiming the Stanislaus to be a wild river. The fact is that the flow of the nine mile section of river which the proponents seek to place in the Wild River system is controlled by two up-stream dams and therefore is not wild or in the pristine state that proponents would have you believe.

Their real purpose is to preserve this nine mile stretch or reach for those who can afford and enjoy rafting. When New Melones is built this stretch will be inundated by a lake.

It is difficult to understand the proponents' willingness to have us pay the high environmental price to keep the nine mile stretch. It is Class IV whitewater. Two hundred fifty miles of this class of whitewater exists in the state according to the California Resources Agency. To retain less than 5% of the total, proponents are asking you to place it in a preserve that will prevent construction of the New Melones multi-purpose dam; a project designed, to enhance environment and recreation opportunities for all Californians, to provide flood control, and to provide water supplies as needed.

This measure if passed will sacrifice for the sake of retaining less than 5% of the total Class IV whitewater:

1. Recreational facilities estimated at an ultimate 4,000,000 recreational days per year as contrasted with an ultimate 80,000 recreation days annually for its present use.

2. Improved stream fishing for salmon, trout, steelhead, shad, striped bass and sturgeon.
3. Improved spawning grounds for salmon and steelhead.
4. Prevention of gravel removal by commercial interests.
5. Improved water quality of the San Joaquin river inflows to the Delta and the San Francisco bay system through the release of reservoir water.
6. Non-polluting production of 430,000,000 kilowatt hours of electricity annually not requiring fossil fuel and so saving about 700,000 barrels of crude oil.
7. Preservation of a 55 mile stretch of the Stanislaus River shoreline in its present natural state, by preventing agricultural intrusion.
8. Improved access to the river for the public to enjoy environmental and recreational facilities offered.
9. Provision of conserved water for demonstrated need.
10. Permanent prevention of flood caused destruction of human life, property, wild life and flora.

Sacrifice of all this for less than 5% of Class IV whitewater, however beautiful, is too high a price to pay.

This is why the State's administration and the Legislature, advocate completion of the New Melones project.

The next step is the defeat of Proposition 17. Your "NO" vote will do that. Please vote No on Proposition 17.

JOHN HERTLE

President

Stanislaus River Flood Control Association

ALEXANDER HILDEBRAND

Member, Sierra Club

Director, South Delta Water Agency

PAUL MCKEEHAN

Water Projects Chairman

Associated Sportsmen of California

Rebuttal to Argument Against Proposition 17

Opponents claim it is necessary to build a \$260,000,000 dam to protect the river's environment. The river initiative protects the entire 64 mile stretch and PERMITS A SMALL DAM for flood control, fish releases, Delta protection and irrigation without destroying one of California's last remaining year-round recreational rivers.

***They claim 4,000,000 visitors to the new reservoir. Yet there are already 10 reservoirs nearby, and an identical reservoir three miles away receives only 190,000 visitors.

***Under current plans, no power from New Melones will reach the consumer—it will all go into still more water projects.

***Economically unsound projects like New Melones waste tax dollars and are a major cause of inflation.

***The "small group" sponsoring Proposition 17 represents the half million voters from every county in California who signed the Initiative, including 30,000 volunteer circulators—MORE PEOPLE THAN HAVE EVER CIRCULATED AN INITIATIVE IN CALIFORNIA HISTORY.

Suggesting the Stanislaus is only 5% of the available rivers is like saying Yosemite is only 5% of the Sierra Nevadas. The Stanislaus has a unique combination of gentle rapids, spectacular scenery, and abundant wildlife. It has been nominated as a National Historic District. Leaders of both parties—including Attorney General Younger and Congressmen Waldie, Edwards, and McCloskey caution against its unnecessary destruction. The National Wildlife Federation, Sierra Club, National Audubon Society, and Trout Unlimited oppose the big dam.

THE RIVER CANNOT PROTECT ITSELF. ITS FATE IS TOTALLY DEPENDENT UPON YOUR DECISION. PLEASE VOTE "YES" ON PROPOSITION 17 AND SAVE THE STANISLAUS.

DENNIS VIERRA

State Director, Friends of the River

JOYCE KOU PAL

Los Angeles County Energy Commission

MARGE MOBLEY

Director, Calaveras County Chamber of Commerce