

**Statement of
Marcilynn Burke
Deputy Director
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on National Parks, Forests and Public Lands
H.R. 869, Lower Merced Wild & Scenic River Modifications
June 14, 2011**

Thank you for inviting me to testify on H.R. 869, a bill amending the Wild and Scenic Rivers Act to increase the allowed level of Lake McClure in central California. The Bureau of Land Management (BLM) does not support H.R. 869 because it conflicts with previous Congressional direction requiring the BLM to preserve and protect the lower reaches of the Merced River under the Wild and Scenic Rivers Act. The full implications of H.R. 869 are not clear, and the BLM believes further study and consideration are necessary before final action is taken. The BLM supports a careful review and determination on how best to balance both the protection and use goals of the Merced watershed.

Background

Section 1 of the 1968 Wild and Scenic Rivers Act (Public Law 90-542) sets forth Congress' vision for management of the Nation's rivers:

“It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or section thereof in their free-flowing condition to protect the water quality for such rivers and to fulfill other vital national conservation purposes.”

From its headwaters in the snow-fed streams of the Yosemite National Park high country, the Merced plunges thousands of feet through boulder lined canyons before emptying into Lake McClure. Over 122 miles of the Merced River in central California have been designated by Congress as components of the National Wild and Scenic River System.

In 1992, Public Law 102-432, extended the previously designated Merced Wild and Scenic River by an additional eight miles to the 867 feet spillover level of Lake McClure. The BLM manages the upper five miles as a recreational river and the lower three miles as a wild river. Under the provisions of P.L. 102-432, the level of Lake McClure may not exceed an elevation of 867 feet above mean sea level, a level intended to balance water and power needs of the local community with protection of the outstanding remarkable values of the lower Merced River.

The lower Merced River is noted for having some of the most outstanding scenery and whitewater boating opportunities in California and the nation. Every summer over 10,000 whitewater

enthusiasts test their skills on the river. The BLM currently permits 12 commercial businesses, which guide most of these recreationists on this section of the Merced River.

The communities of Mariposa and El Portal benefit from these whitewater boaters who contribute to the local tourism economies. Boaters generate important economic activity during the traditionally lower visitation times of spring and early summer, expanding the length of the Yosemite region tourism season. This river-dependent tourism provides a greater level of economic and employment stability for these communities.

H.R. 869

H.R. 869 provides for an increase in the allowed lake level, from the currently permitted 867 feet to 877 feet for a period not to exceed 60 days, along with a 30 day draw-down period. This elevated level would occur from May 1 and July 31, which coincides with peak recreation season for the corridor. It is our understanding that the intent is to provide additional power and water supplies for home and agricultural use in the Central Valley of California during wet years.

The full implications of H.R. 869 are not clear and the BLM recommends the bill's ramifications be more fully explored before the Committee moves forward. Potential impacts from inundation could be substantial to both natural resources and local economies. It appears that approximately one-half mile of the Merced Wild and Scenic River corridor would be inundated by an increase of the McClure Lake by ten feet above current levels.

Among the potential resource implications of this inundation are habitat loss for both the limestone salamander (a California designated Fully Protected Species) and the elderberry longhorn beetle (a federally listed threatened species under the Endangered Species Act). The BLM Limestone Salamander Area of Critical Environmental Concern (ACEC) would be at least partially flooded. Impacts may also include loss of riparian vegetation and degradation of the scenic values of the corridor. Additionally, significant cultural and historic resources in the area, including the remains of the Yosemite Valley Railroad and historic gold-mining sites would be degraded.

A variety of recreation activities within the river corridor could also be impacted by the legislation. For whitewater boaters, inundation would add another half-mile to an already arduous paddle across flat water to an alternate take-out. In addition to boaters, the canyon is becoming increasingly utilized as a recreational destination for hikers, mountain bikers, and equestrian riders who could be displaced by a likely inundation of five miles of the existing Merced River trail.

H.R. 869 would authorize for the first time the inundation of a previously designated segment of the Wild and Scenic River System. Such an unprecedented action would result in a wild river segment becoming more like a lake than a river and could compromise the integrity of the Wild and Scenic River System, the purpose of which is to preserve rivers in their "free-flowing condition."

Conclusion

Before further action is taken on H.R. 869, the BLM recommends that all of these implications of changes to the level of Lake McClure be more fully explored. Thank you for the opportunity to testify.