

Attachment I: Some Benefits and Lessons of Wild and Scenic Designation
By Ralph Mendershausen

Wild and Scenic Rivers are rare in the US. The designation of the South Fork and the main stem of the Merced as National Wild and Scenic Rivers has been highly beneficial to Merced and Mariposa Counties as well the natural condition of the canyon. These benefits need to be known in the community. The Merced watershed could all look very different today without these protections! The City of Merced and Merced Irrigation District have a reliably pristine water source in the Merced River for their rate payers. Mariposa County has a working Saxton Creek Project instead of a "pie in the sky" claim to remote South Fork water. Saxton Creek project withdrawals could theoretically bring up to 5,000 acre feet to the town planning area (TPA). Currently that TPA just uses about 450 acre feet/year. Beyond that, the County has the bragging rights to a very scenic Merced and the very wild South Fork unmarred by dams and reservoirs. These offer diverse and exceptional recreational opportunity. The South Fork Merced remains the wild remote area it was, a challenging Class V kayak run. The Saxton Creek Project also seems a model of how to design a water system and minimize visual impacts. Most people do not know where it is (one mile west of Briceburg). The decision to place the project underground seems to have been largely the work of BLM management (Deanne Swickard).

Construction projects in the Merced Canyon appear to have become more complicated after designation in 1987. Aesthetic and water resource considerations played a role in both Saxton Creek pumping station (Mariposa County) and in the current design and location of the Ferguson Slide fix, the rock shed (USFS). Section 7 of the W&S Rivers Act speaks to the water resource concerns; Section 10 to the more amorphous aesthetic ones.

The impact of Wild and Scenic designation is also very evident in the NPS Merced River Plan and the Park's recovery from the 1997 flood. They needed 14 years to get the planning right. It seems the immediate areas are/will be very much more attractive and scenic for conforming to the designation, ie they are enhanced in value. Quality is rare. In the long run these accommodations enhance the remarkable/unique in where we live. They do not reduce use, at least not so far.

Wild and Scenic designation has prevented hydro dams and gold dredging on the South Fork and the main stem. This improves fishery, water quality, migration (beavers/otters). Whitewater sports such as kayaking and rafting are major beneficiaries of unobstructed canyons. All present and future uses of the MRT are enhanced by the quality of the river.

Just suppose Mariposa had been able to build tunnels through Chowchilla Mountain and bring large quantities of water into the Bootjack area as was fantasized. And suppose as much as they claimed, 112,000AF could have been diverted...what would the Bootjack area look like today, and would you want to live there? Who would have actually benefitted?

Highway 140 today offers a unique and very scenic riverside drive. When the flowers are right it is hard to keep driving.

Starting in 1987 Wild and Scenic designations allowed the federal land management agencies (BLM/Deanne Swickard again) to remove squatters with suction dredges who effectively privatized public lands in the later 70's and 80's under the mantle of mining claims. They sometimes intimidated

recreational users on public land in the canyon. At one point there were up to 40 substandard, unauthorized shacks, derelict trailers, and plastic lean-tos. (BLM W&S River Management Plan)

Here was the nub of the problem before 1987: The miners would file a claim with BLM for a \$100 fee, lose it to BLM due to non-compliance of assessment requirements, and then file a new claim. That chain stopped with mining withdrawal on the Merced below Briceburg in 1987. BLM used the next five years to return the Lower River to public recreation and camping. They did permit recreational dredging along recreational sections. By designating the North Fork of the Merced as a “Study River” after 1987 it was possible to restore public access and recreation up the North Fork.¹

Wild and Scenic designation underscores that the Merced River corridor is a recreational area. Today whitewater rafting brings about \$2.5 million annually into the county and is managed by BLM. The historic extractive enterprises in the canyon such as logging, mining, and ranching dominated the canyon between 1848 and 1950. These enterprises have strong roots in Mariposa County. By the end of World War II only some tungsten mining remained in the canyon and the railroad was gone. The astounding labors of those past endeavors are still evident in the canyon today; their traces generally add interest to the MRT. Some recreational gold panning continues today in side streams of the Merced.²

Insofar as recreation is a major factor in drawing people to the area, the canyon is a major financial asset to the county. The relative lack of businesses and storefronts in the canyon itself is conducive to the greater business elsewhere in the county. This lack of commercial development is largely due to the narrowness of the canyon and the prevalence there of public land. Today the vast majority of people using the Park are day users overnighing outside the park. This means the “canyon experience” is increasing as a part of Yosemite Visitation.

The Wild and Scenic Merced River today is very hard working! It provides drinking water, irrigation water, power, recreation, business income, county funding through contract with MID, not to mention: solitude, excitement, and beauty. There is absolutely nothing being wasted or lost by its protected status.

People should certainly not assume that the benefits of Wild and Scenic Designation were won by people who generally agreed and buried their differences. They fought and argued and got furious as people do; but they also managed to win. I think those involved in making the rivers nationally protected rivers in the 80’s and 90’s had absolutely no clue what the considerable ramifications of their efforts would be in terms of the management of the canyon.

And still, more could be done. The return of steelhead/salmon to the watershed above Exchequer would be the ultimate sign of watershed health. Mariposa County needs to pass a formal resolution endorsing the Merced River’s status as a National Wild and Scenic River.

¹ Note that suction dredging since 1/1/2016 is a misdemeanor in the CA Department of Fish and Game code.

² Note that the discharge of firearms in the Wild and Scenic River Corridor managed by BLM is against the law.