# The California Wild & Scenic Rivers Act
## With National Wild & Scenic Rivers in California Included in the Chronology (Referenced)[1]

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The California Wild & Scenic Rivers Act (Public Resources Code § 5093.50 *et seq*.) ("Act," "California Act," "State Act," or "CAWSRA") was passed in 1972 (SB-107, Behr R-Mill Valley) to preserve designated rivers possessing extraordinary scenic, recreation, fishery, or wildlife values. With its initial passage, the California system ("state system" or "System") protected the Smith River and *all* of its tributaries; the Klamath River and its major tributaries, including the Scott, Salmon, and Trinity Rivers; the Eel River and its major tributaries, including its tributary the Van Duzen River; and the lower American River and a segment of the American River's North Fork. The state system was subsequently expanded by the Legislature to include segments of the East Carson and West Walker rivers in 1989, segments of the South Yuba River in 1999, short segments of the Albion and Gualala Rivers in 2003, segments of Cache Creek in 2005, and segments of the North Fork and main stem of the Mokelumne in 2018. In addition, the McCloud River and Deer and Mill Creeks were protected under the Act in 1989 and 1995 respectively, although these segments were not formally designated as components of the System. Major parts of the Smith River watershed-level designations were removed from the state system in 1982, although some continued to be accorded some of the protections of the Act.

The Act is contained in a chapter[2] that lies within the California Public Resources Code (PRC) and provides a number of legal protections for rivers included within the System, beginning with the following legislative declaration (§ 5093.50) (quoted section numbers are in the CAWSRA PRC chapter unless otherwise specified):

> It is the policy of the State of California that certain rivers which possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate

> environments, for the benefit and enjoyment of the people of the state. The Legislature declares that such use of these rivers is the highest and most beneficial use and is a reasonable and beneficial use of water within the meaning of Section 2 of Article X of the California Constitution.

The Act also provides legal protections consistent with the policy declaration for some rivers not included in the System. § 5093.61 requires that local governments comport their actions consistent with the *policies* and provisions of the Act.

Definitions (§ 5093.52)

The Act defines "free-flowing" as "existing or flowing without artificial impoundment, diversion, or other modification of the river." The existence of minor structures on the river, or even major dams located upstream or downstream of a specific segment, does not preclude a river from designation (§ 5093.52(d)). Several rivers, such as the Klamath, Trinity, Eel, Mokelumne, Cache Creek, and lower American, are included in the System despite substantial flow modifications by pre-existing upstream dams and impoundments.

The Act defines "river" as "the water, bed, and shoreline of rivers, streams, channels, lakes, bays, estuaries, marshes, wetlands, and lagoons, up to the first line of permanently established riparian vegetation" (§ 5093.52(c)). The latter phrase ("up to the first line of permanently established riparian vegetation") was added in a 1982 amendment (AB-1349, Bosco, D-Occidental).[3]

The Act defines the "immediate environments" contained in the policy declaration (§ 5093.50) as the land "immediately adjacent" to designated segments (§ 5093.52(h)). This definition was added in the 1982 amendments (AB-1349, Bosco, D-Occidentale).[4]

The Act defines the Resources Agency as it and any constituent part assigned by the Secretary to accomplish the purposes of the Act (§ 5093.52(b)). The Act designates certain responsibilities to the "Resources Agency" or its Secretary or Director (the latter, an apparent anachronism) (§§ 5093.546, 5093.547, 5093.55, 5093.60, 5093.67, 5093.69, & 5093.71), The name of that cabinet-level state agency is now the California Natural Resources Agency, and the Act has never been updated to change this anachronism. This memo, thus, continues to refer to the California Natural Resources Agency as the "Resources Agency."

Classification (§ 5093.53 & 5093.545)

Rivers or segments included with the System are classified by the Legislature as "wild," "scenic," or "recreational" based on the level of existing development of adjacent land areas when designated (§ 5093.53).[5] The river-segment-by-river-segment classifications

are thus reproduced in the code (§ 5093.545).[6] The Resources Secretary (now Natural Resources Secretary and previously its "Administrator") may recommend classifications to the Legislature (§ 5093.546). "Wild" river segments are free of impoundment and generally are inaccessible except by trail, with primitive watersheds or shorelines and unpolluted waters. "Scenic" river segments are free of impoundment, with shorelines or watersheds still largely primitive and shorelines largely undeveloped but accessible in places by roads. "Recreational" river segments are readily accessible by road or railroad, may have some development along their shorelines, and may have been impounded or diverted in the past (§ 5093.53). The classification terms are consistent with the National Wild & Scenic Rivers Act (WSRA) and represent the existing level of development at the time of designation, particularly shoreline development, not a description of any particular extraordinary values (or outstandingly remarkable values under WSRA) identified for the potential or designated river. For example, "recreational" river segments may not have any specific recreational extraordinary values. In addition, confusing to some, "recreational" components of the state's wild & scenic river system are, indeed, components of the state's wild & scenic river system. While the classifications remain in the statute, with passage of the 2004 CAWSRA amendments to the state's Forest Practice Rules extending the rules to "scenic" and "recreational" components of the System, and in cases where there is no adopted management plan in force or being implemented, classifications presently have little bearing on state wild and scenic river management.

Act Style and Traditions, or Where is What?

§ 5093.54 is the code section used to list the rivers and river segments designated as components of California's wild & scenic rivers system. § 5093.545 contains river-segment-by-river-segment classifications. § 5093.548 is the traditional code section used to list potential additions (study rivers). § 5093.548, in addition to describing protections afforded to designated rivers, is usually used to describe interim protections given potential additions to the System. However, it has been Legislative practice to delete § 5093.548 when the Legislature acts on all pending study recommendations. It has also been Legislative practice to delete the interim protections provisions in § 5093.548 when there are no pending potential additions. However, in 2015, § 5093.548 was used instead to provide additional directions for the Secretarial study of portions of the Mokelumne River, as well as some specific interim protections for this river.[7] § 5093.549 was then created and used to list segments of this river that were potential additions to the System.[8] Both sections were deleted when the river was designated in 2018.[9] From time to time, the Legislature has also used amendments to the Act enacted for other purposes as an opportunity to clean up obsolete portions of the Act or previous typographical errors.

Rivers protected by the Act, but not in the System (§§ 5093.541, 5093.542, & 5093.70)

The California Wild & Scenic Rivers Act provides for specified protections of certain rivers or river reaches that are not included in the California Wild & Scenic Rivers System. The protections often parallel and sometimes expand the protections that would have applied if they were formal members of the System. Generally, these rivers were either once included in the System or considered by the Legislature as potential additions to the System. These streams include some Smith River watershed creeks: Dominie Creek, Rowdy Creek, South Fork Rowdy Creek, Savoy Creek. Little Mill Creek, Bummer Lake Creek, East Fork Mill Creek, West Branch Mill Creek, Rock Creek, Goose Creek, East Fork Goose Creek, Mill Creek (§ 5093.541). They also include the McCloud River (§ 5093.542) and Mill and Deer Creeks, which are also tributaries of the Sacramento River (§ 5093.70).

Amendment History (significant amendments)

Significant amendments[10] to the Act in 1982 were adopted by the legislature as part of the unsuccessful litigation strategy against the 1981 federal 2(a)(ii) north-coast-river wild & scenic river designations (also see "Andrus" Rivers section and 1980–1985 entries in the chronology section that concludes this memo) and for other purposes. (As a compromise, the amendments had also stated that it was also the intent of the legislature to "expedite and improve the efficient administration…" of the CAWSRA and not to affect the litigation against the Secretarial designation or affect any Secretarial reconsideration of the decision (§ 19, AB-1349, Bosco, D-Occidentale). [11] (Such is the nature of the legislative process.) The 1982 amendments eliminated the mandate for management plans of rivers (§ 5093.58 of the original 1972 Act)[12] and "adjacent land areas" (original § 5093.48(b))[13] that the 1970s-era Resources Agency management plans considered to be subject to the Act's management focus (the land within the "planning area boundaries," which were often wider than potential national wild & scenic river corridors). The amendments eliminated the Secretarial responsibility for "administration of the system" (original § 5093.60)[14] and instead making the Resources Agency responsible for coordinating state agency activities with other state, local, and federal agencies with jurisdiction that might affect "the rivers" (present § 5093.60). The amendments eliminated the direction to the Resources Agency to cooperate with water pollution control agencies to eliminate or diminish water pollution in the "System" (original § 5093.61).[15] The amendments sharpened the definition of "river" as various waterbodies "up to the first line of permanently established riparian vegetation" (§ 5093.52(c)) and defined "immediate environment" to the land "immediately adjacent" to designated segments (present § 5093.52(h)). The 1982 amendments also specified that the Legislature rather than the Resources Secretary (now Natural Resources Secretary) is responsible for classifying or reclassifying rivers by statute, although the Resources Secretary may recommend classifications or reclassifications (present § 5093.546). The amendments included a comprehensive list

and geographic segment-length boundaries of the classifications for the rivers that stayed in the System (present § 5093.545). The nearly watershed-level Smith River system designations (original § 5093.54(c))[16] were redefined (present § 5093.54(c)), removing about 2,760 ill-defined miles of river from the state system (AB-1349, Bosco, D-Occidentale).[17]

An amendment to the Act in 1986 established a study process modeled after the federal act to determine potential additions to the California System (§ 5093.547(a)) (AB-3101, Sher, D-Palo Alto).[18]

Amendments to the Act in 1986 (AB-3101, Sher, D-Palo Alto) eliminated authorization for DWR to investigate and study dams on the Eel River and its tributaries.[19] These amendments narrowed and listed the types of projects that agencies of the state were prohibited in assisting, cooperating, funding, and permitting and included those restrictions to study rivers, the latter with a sunset clause (amended § 5093.56).[20] AB-3101 generic protections for study rivers have subsequently lapsed and been repealed,[21] and subsequent legislative practice has been to adopt river-specific customized interim protections for study ("potential") rivers.

In response to studies[22] required by the Legislature (AB-3101, Sher, D-Palo Alto)[23] and with the concurrence of Resources Secretary Gordon Van Vleck,[24] segments of the East Carson and West Walker rivers were added to the System in 1989 (§ 5093.545(f)(1) & (§ 5093.545(f)(2)[25] and segments of the McCloud River and the McCloud Arm of Shasta Reservoir were provided certain protections, although not formally included in the System (§ 5093.542) (AB-1200, Sher).[26] Also in response to studies mandated by the Legislature (AB-653, Sher),[27] Deer Creek and Mill Creek were provided certain protections in 1995, although not formally included in the System (§ 5093.70) (AB-1413, Sher).[28] The Legislature has, in addition to the initial System designations, clearly retained the *de facto* right to designate rivers outright since they added segments of the South Yuba in 1999 (§ 5093.54(g)(1)) (SB-496, Sher), short segments of the Albion and Gualala Rivers in 2003 (§§ 5093.54(h) & 5093.54(i)) (AB-1168, Berg, D-Eureka), and segments of Cache Creek in 2005 (AB-1328, Wolk, D-Davis) to the state system without studies.

Amendments to the Act in 2004 (SB-904, Chesbro, D-Arcata) ensured that "Special Treatment Areas" under the Forest Practice Rules applied to river segments classified as "scenic" or "recreational" as well as river segments classified as "wild" (§ 5093.68). These amendments also sharpened the responsibilities of departments and agencies of the state to protect the free-flowing nature and extraordinary values of components of the System as they carry out their duties (§ 5093.61).[29]

Water Impoundment Facilities

In general, no dam, reservoir, diversion, or other water impoundment facility may be constructed on any river segment included in the System, although see Water Diversion Facilities paragraph below (§ 5093.55).[30] Similar provisions also apply to the rivers not included in the System but protected by the Act, although exceptions in these cases are not provided for (§§ 5093.541, 5093.542(b), 5093.50, 5093.70, & 5093.61 2nd sentence). Two exemptions to the dam prohibition are provided. The exemptions include temporary flood storage facilities on the Eel River (§ 5093.57) and temporary recreational impoundments on river segments with a history of such impoundments. The Resources Secretary cannot authorize these temporary recreational impoundments without first making a number of findings (§ 5093.67).[31]

Water Diversion Facilities

No water diversion facility may be constructed on any river segment included in the System unless the Resources Secretary determines that the facility is needed to supply domestic water to local residents of the county or counties in which the river flows and that the facility will not adversely affect the river's free-flowing condition and natural character (§ 5093.55).[32] Similar provisions also apply to the rivers not included in the System but protected by the Act, although exceptions in these cases are not provided for (§§ 5093.541, 5093.542, 5093.50, ,5093.70, & 5093.61 2nd sentence).

Restrictions on state assistance and cooperation with other governments on planning and construction for dams, reservoirs, and diversion not permitted by the Act

Agencies of the State of California may not assist local, state, and federal agencies in the planning and construction of any dam, reservoir, diversion, or other water impoundment facility that could adversely affect the free-flowing condition and natural character of river segments included in the System (§ 5093.56). Slightly different agency prohibitions apply to rivers otherwise protected under the Act. Here, the emphasis is on free-flowing and fishery protections (§ 5093.70, Mill & Deer Creeks).[33] The same is true for the McCloud River (although the legislature provided one narrow exception for participation by the Department of Water Resources in studies involving the technical and economic feasibility of enlargement of Shasta Dam) (§ 5093.542). [34] In addition, departments and agencies of the state are required to protect the free-flowing character and extraordinary values of designated state rivers (§ 5093.61). Similar, but not identical, provisions apply to waterways protected in the Act but not added to the System. The provisions that apply to them are customized for these waterways (§§ 5093.541, 5093.542, 5093.50, 5093.70, & 5093.61 2nd sentence).

Responsibilities of local governments' water resources projects

The statutory restrictions in the Act on construction of dams, reservoirs, and diversions apply to governments and private actors alike. Local government agencies are also required to exercise their duties consistent with the policy and provisions of the California Wild & Scenic Rivers Act (§ 5093.61[35] and see § 5093.50 for policy).

Water Rights

The CAWSRA does not directly contain provisions concerning water rights and facilities. However, the Act does impose certain responsibilities on state agencies. For example, the State Water Resources Control Board (SWRCB) administers post-1914 water rights and is subject to § 5093.61: "All departments and agencies of the state shall exercise their powers granted under any other provision of law in a manner that protects the free-flowing state of each component of the System and the extraordinary values for which each component was included in the System."

Applications for new water rights and facilities on designated segments are also subject to the in-county domestic-use restriction and require specific CAWSRA-consistency findings from the Natural Resources Secretary. Special specific provisions on this matter affect certain designated reaches, facilities, and rights, often associated with existing diversion or storage facilities. These include the Carson River (§ 5093.46(f)(2)(A) and (B)), South Fork Yuba River (§ 5093.46(g)(2)), and Cache Creek (§ 5093.46(j)(2)–(4)), and Mokelumne River (§ 5093.46(k)(2)).

While the Act does not speak directly to the fully appropriated streams procedures of the SWRCB, the Board has administratively decided to consider rivers in the state or national wild & scenic river systems to be fully appropriated streams (SWRCB Water Rights Order 98-08), a decision restricting applications for new water rights.[36] There are procedures, however, to consider proposed new water rights consistent with the provisions of the Act:

> Any declaration that a stream system is fully appropriated encompasses all upstream sources that contribute to the stream system if, and to the extent that, such upstream sources are hydraulically continuous to the stream system. The Board is unable to accept applications for new water rights in a stream system designated as fully appropriated unless the designation allows new applications under specified conditions. California Code of Regulations, title 23, section 871, sets procedures by which parties can petition to revise a declaration that a stream system is fully appropriated to allow the acceptance of an application for a new water right. The revision to the declaration must occur before submission of the application.[37]

Agency Responsibilities & Authority

Land Use —The Act does not change the land-use regulatory powers or authorities of state and local agencies granted by other laws (§ 5093.58). However, the Legislature, by act of law, has adopted the American River Parkway Plan, a wild & scenic river management plan that provides for regulatory powers, authorities, and responsibilities for land use for the Parkway corridor and environs (AB-889, Jones, D-Sacramento).[38]

Fish & Wildlife — The Act does not affect the State's jurisdiction or responsibility over fish and wildlife (§ 5093.62).

Forestry — Special treatment areas identifying significant resource features are established along rivers in the System (§ 5093.68) and are further defined in California's Forest Practice Rules as a 200-foot-wide area on each side of the designated river (14 CCR 895.1). One of the 2004 amendments (SB-904, Chesbro (D-Arcata)[39] clarifies that "special treatment areas" are applied to designated rivers that are classified as "recreational" or "scenic," as well as designated rivers that are classified "wild" (§ 5093.68). Although the Act includes provisions for the temporary suspension of timber operations in special treatment areas, the Forest Practice Rules do not specifically prohibit or restrict forest practices in special treatment areas.

Eminent Domain — The Act specifically prohibits the taking of private property for public uses without just compensation (§ 5093.63). The Act grants no additional eminent domain authority to State or local agencies. The Act has never been used in its 50-year history (at this writing) to condemn or otherwise take land.

Studies — The Legislature may direct the Resources Agency to study and submit recommendations concerning the suitability of designating specified rivers (§ 5093.547). However, the Legislature may directly designate rivers without a study. The Resources Agency may also conduct studies funded by the Legislature for certain specified fish and wildlife resources and make recommendations based on those studies (§ 5093.69(b)). The Agency and may also conduct studies directed by the legislature on the condition of the System and may make recommendations to the Legislature for protection and enhancement of the System (§ 5093.69(a).

Management — The 1982 amendments eliminated the requirement for Secretarial preparation of management plans for designated rivers and their adjacent land areas (original § 5093.58(b)) and provisions for Secretarial classification of river segments (original § 5093.58(a)).[40] The amendments eliminated management plan preparation consultative requirements with local counties and their political subdivisions and public hearing requirements (original § 5093.59).[41] The amendments also eliminated legislative guidance on the emphasis of such plans (original § 5093.60).[42]

However, before the management plan requirement was repealed, the following plans were published by the California Resources Agency and Department of Fish & Game (now the California Natural Resources Agency and Department of Fish & Wildlife): *North Fork American Waterway Management Plan*, July 1977; *Lower American River Waterway Management Plan*, July, 1977; *Van Duzen River Waterway Management Plan*, July 1977; *Salmon River Waterway Management Plan*, November 1977; *Scott River Waterway Management Plan*, December 1979; *Salmon River Waterway Management Plan* (Revised), December 1979; *Smith River Draft Waterway Management Plan*, April 1980.[43] It appears that these plans developed "planning area boundaries," the area of focus of these management plans and presumably defining the "adjacent land areas" of § 5093.58 in 1972 Act. These planning areas were not restricted to the 320-acres per mile corridors of the National Wild & Scenic Rivers Act and in these state plans were sometimes larger and defined more to accomplish management needs. At the time of preparation of these plans, the Secretary was to submit them to the Legislature for approval, which would give the plans the force of law.[44] It does not appear that the legislature adopted any of them.

In contrast to the fate of these pre-1982 plans, the lower American River (the river between Nimbus Dam and the Sacramento River confluence) has proved to be a special case. The City of Sacramento and County of Sacramento adopted post-designation management plans for the lower American River Parkway in September 1975 and May of 1976 that the Resources Agency incorporated in its 1977 wild and scenic river plan.[45] The Legislature has subsequently twice adopted management plans[46] prepared by Sacramento County with other local governments for the lower American River, which established land use management direction for the Parkway. The 2006/2008 *American River Parkway Plan* confirmed the 1977 Resources Agency understanding that the Plan was both a plan for the Parkway and the state wild & scenic river management plan; for the latter's purposes, defining the wild and scenic river corridor boundaries (the American River Parkway) and extraordinary values.[47] The 2008 Plan was adopted most recently by the California legislature in 2009 (AB-889, Jones, D-Sacramento).[48]

The Resources Agency is required to coordinate activities affecting the System with other federal, state, and local agencies (§ 5093.69), and departments and agencies of the state are required to protect the free-flowing character and extraordinary values of designated rivers, and similar responsibilities exist for local government agencies (§ 5093.61).

Special Management Provisions for the "Andrus" Rivers

For California's state wild & scenic rivers that are also national wild & scenic rivers under section §2(a)(ii) of the National Wild & Scenic Rivers Act, the principal wild & scenic river management responsibility is the state's. However, there are federal management responsibilities as well. Water resources project reviews that are also

federal responsibilities[49] are to take place under a subsequently updated November 5, 2007, interagency agreement among the National Park Service, Bureau of Land Management, and Forest Service.[50] Federal lands continue to be managed by the federal land managers. Under federal law, to the extent that a state management plan exists, is relevant, and in force, these plans are intended to provide guidance to federal wild & scenic river managers.[51] Corridor management widths are defined for these rivers by the state and can exceed 320-acres per mile, the generic maximum size established for congressionally designated rivers under §3(a) of the federal act. With the creation of the Smith River National Recreation Area (NRA) in 1990, which redesignated the 2(a)(ii) rivers that were upstream of the Six Rivers National Forest external boundary as §3(a) rivers, state responsibilities under the federal act are necessarily reduced in favor of the federal wild & scenic river manager. The Smith River federal wild & scenic river plans are to be accomplished in the National Recreation Area plans. State §2(a)(ii) responsibilities downstream of the National Forest (and to some degree private lands within the National Forest) remain unaltered by the Smith River §3(a) and NRA designations. [52]

Wild and Scenic River Boundaries (length of river segments) (highlights)

Boundaries in the State System are established legislatively in § 5093.54, a section that after the 1982 amendments (which, in part, established more limited and precise boundaries for the Smith River system) is rather lengthy. The term "boundaries," as used here, mean the geographic markers that define the length of protected river segments. Corridor boundaries, in the sense of the width of land surrounding rivers in the national wild & scenic rivers system,[53] no longer exist after the 1982 amendments,[54] except, as described earlier for the lower American River.[55] To see the descriptions of the boundaries in the state system, see § 5093.54. This memo also describes, at least in general—and often in precise terms—the river segment length boundaries of the rivers added by the U.S. Congress to the national wild & scenic rivers system, which in some cases using the generic language of WSRA (3)(b) deferred the final corridor width boundary determinations to the federal wild & scenic river manager. There are some generally overlapping federal and state designations that may differ. They are highlighted here and in the subsequent sections describing the designations.

The legislature established boundaries for rivers protected by the State Act that have segments below dams (Klamath River—100 yards below Iron Gate Dam (a dam and powerhouse subsequently removed in 2024); Trinity River—100 yards below Lewiston Dam; Eel River - 100 yards below Van Arsdale [sic] Dam; lower American River—Nimbus Dam; McCloud River—0.25 miles below McCloud Dam); NF Mokelumne River—0.5 miles downstream of Salt Springs Dam, 1,000 feet below the Tiger Creek afterbay dam, 400 feet below small regulating dam downstream of the West Point Powerhouse; Mokelumne River 100 yards below small regulating dam downstream of the Electra Powerhouse.

With the removal in 2024 of four dams and associated facilities on the Klamath River in California and Oregon (Iron Gate, Copco 1 & 2, and J.C. Boyle), the legislature may choose to revisit the boundaries of the Klamath River state designation as Iron Gate Dam no longer exists, and free-flowing reaches up to the Oregon border and beyond have been created. This same circumstance, but for the Eel River, is also true with the potential removal of the Cape Horn Dam (forming Lake Arsdale Reservoir) and the Scott Dam (forming Lake Pillsbury Reservoir). PG&E has chosen not to relicense these facilities of its Potter Valley Project, and decommissioning and removal are likely.[56]

The legislature's 1982 amendments stripped the watershed-level designations of the Smith River in the original Act (§ 5093(c) original Act),[57] confining the System designations to the main stem and its named river forks and dam-prohibition-level protections for twelve named creek tributaries of the Smith River removed from the state system.[58] These legislative amendments echoed and went somewhat further than the federal Heritage Recreation and Conservation Service's 1980 Smith River eligibility determinations, which excluded 2,760 miles of the Smith River watershed in the state system established in 1972,[59] confining eligibility to named Smith River forks and tributaries. Secretary of the Interior Cecil Andrus's 1981 WSRA §2(a)(ii) decision adopted this perspective. The 1990 Smith River Congressional §3(a) designations are limited to the Smith River 2(a)(ii) segments within the external boundaries of the Six Rivers National Forest and Hardscrabble Creek, making System boundaries in the Smith River watershed complex–with state-only, federal §2(a)(ii)-only, state/federal §2(a)(ii), and federal §3(a)-only.

Secretary of the Interior Cecil Andrus adopted a different boundary for the Klamath national wild & scenic river designation. His adopted boundary under §2(a)(ii) of the federal act for the upper end of the §2(a)(ii) Klamath River designation was 3,600 feet[60] instead of 300 feet below the Iron Gate Dam.

The overlapping North Fork American state and §3(a) federal designation boundaries also differ. In comparison to the longer State designation, the federal designation is truncated on both ends: it goes from 1,000 feet upstream of the Iowa Hill Bridge to near The Cedars. In contrast, the State designation goes from the Iowa Hill Bridge to the source, Needle Lake and Mountain Meadows Lake, approximately six or seven miles further upstream than the federal designation.

Comparison with the National Wild & Scenic Rivers Act

The California Act was patterned after the 1968 National Wild & Scenic Rivers Act (WSRA). The state and federal acts share similar criteria and definitions in regard to the purpose of protecting rivers, the identification of free-flowing rivers and extraordinary (state) or outstanding (federal) values suitable for protection, establishing a study

process to include rivers in the System, as well as an identical classification system. The primary purpose of both the state and federal acts is to prohibit new water impoundments on designated rivers.

However, WSRA §3(b) of the federal act establishes a river corridor for purposes of management focus, which (for generically congressionally designated WSRA §3(a) rivers) has a maximum average width of 320 acres per mile (approximately ¼ mile on each side of the river).[61] Subject to valid existing rights, WSRA §9(a)(i) makes mining on federal lands within the boundaries of the WSRA §3(a) corridor subject to rules prescribed by the relevant Secretary (Interior or Agriculture) to effectuate the purposes of the federal act (no mining regulations specific to wild & scenic rivers were ever really done, however). Within the corridor, mine-patenting is not accompanied by a transfer of land title but only mineral rights (WSRA §9(a)(ii)). Notwithstanding corridor boundaries, the federal act establishes a ½-mile-wide mining withdrawal (no new claims) for federal lands around river segments classified as "wild" (WSRA §9(a)(iii)). (1992 designation legislation designating a segment of the Merced national wild & scenic river, withdrew mineral rights for the entire river upstream of Lake McClure Reservoir regardless of classification.[62] It requires federal agencies to manage the federal lands in the corridor and to a more limited extent outside the corridor to protect the river's free-flowing character, water quality, and outstanding values, as well as a river's esthetic, scenic, historic, archeologic, and scientific features. The federal act presumes that corridor boundary establishment, identification or restatement of outstandingly remarkable values, and classification are duties of the federal wild & scenic river manager. (WSRA §3(b), (c), and (d)).[63] The Congressional Research Service has reports on water rights for WSRA rivers,[64] From time to time there have been generic amendments to WSRA based on management experience.[65] Guidance has been created. More importantly, there is an Interagency Wild and Scenic River Coordinating Council[66] that has published a Wild & Scenic River Reference Guide,[67] Technical Papers,[68] and a website[69] covering aspects of the National Wild & Scenic Rivers Act and the practical aspects of its administration.

In contrast, the State Act has little to no guidance on administration of the System. The State Act no longer contains a river-corridor concept (unless otherwise specified, such as previously described on the lower American River), especially one that would extend to adjacent lands as conceived by the WSRA, and classification is a duty of the Legislature, not the river manager. And in practice, in the absence of state management plans or Resources Agency study recommendations, extraordinary values tend to be poorly documented or inaccessible for the state system. (Steve Evans at CalWild, an author of this memo, however, makes an effort to keep a database, and the creation of a state-maintained database should be an example of a recommendation from the state Resources Agency to the legislature pursuant to § 5093.569(a) that would be helpful.) In contrast, in the federal system, outstandingly remarkable values tend to be documented in agency recommendations (made frequently because of mandates in the federal act to

review wild & scenic river potential in the course of regular planning), Congressional committee reports, and, most importantly, the federal wild & scenic river management plans, which can be updated over time.

The federal act also provides for more programs, encouragement, and financial resources to manage corridor and watershed federal lands and to some extent non-federal rivers and adjacent lands. In addition, the managing federal agency for federally designated rivers is required to develop and implement a management plan that will ensure the protection of the river and adjacent lands. In contrast, the State Act no longer requires a management plan or contain procedures making them. Thus, in practice, although the Resources Agency is responsible for wild & scenic river management (or, more specifically, coordination activities) of most state-designated rivers, there is little to no involvement by the Resources Agency in California's wild & scenic river system, aside from reviewing grant applications, state projects, and water rights applications on the designated rivers.

In contrast to practice in the state system, where state studies have been confined to six specific legislatively directed studies, federal land-managers have an ongoing responsibility to study rivers for potential designation for national wild & scenic river status under §5(d) of WSRA. Over the decades, federal land managers have developed an impressive body of eligibility determinations (many hundreds) and a smaller body of suitability determinations, especially in the U.S. West, where federal land ownership is common. This work has often been the basis of national wild & scenic river designations. This body of work, even confined to California, is so large that, with few exceptions, is not currently included in this memo. One author here is working on a comprehensive update to the status of federal national wild & scenic river eligibility, suitability, and any consequent recommendations within California. The remaining author, now the principal author of this memo, is hoping that the comprehensive update can be included here, perhaps by inclusion in an appendix or reference URL.

The study process is substantially the same, although the state process conflates some of the federal assessments and definitions. For example, the Federal study process and definitions are illustrative:

> Eligibility and classification represent an inventory of existing conditions. Eligibility is an evaluation of whether a candidate river is free-flowing and possesses one or more outstandingly remarkable values (ORVs). If found eligible, a candidate river is analyzed as to its current level of development (water resources projects, shoreline development, and accessibility) and a recommendation is made that it be placed into one or more of three classes—wild, scenic or recreational. The final procedural step, suitability, provides the basis for determining whether or not to recommend a river as part of the National System. A suitability analysis is designed to answer the following questions:

(1) Should the river's free-flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
(2) Will the river's free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated and alternative protection methods considered.
3) Is there a demonstrated commitment to protect the river by any nonfederal entities who may be partially responsible for implementing protective management? *(emphasis added)*[70]

The State Act study-report language concentrates on suitability and thus can conflate (with sometimes unclear results) what, in the federal process, would be eligibility and suitability findings and assessments into one report on suitability.

§ 5093.547. (a) The secretary shall study and submit to the Governor and the Legislature reports on the suitability or nonsuitability for addition to the system of rivers or segments thereof which are designated by the Legislature as potential additions to the system. The secretary shall report to the Legislature his or her recommendations and proposals with respect to the designation of a river or segment.
(b) Each report, including maps and illustrations, shall show, among other things, the area included within the report, the characteristics which do or do not make the area a worthy addition to the system, the current status of land ownership and use in the immediate environment, and the reasonably foreseeable potential uses of the land and water which will be enhanced, foreclosed, or curtailed if the river or river segment were included in the system.

Unless otherwise provided for, state-designated rivers may be added to the federal system upon the request of the state's Governor and the approval of the Secretary of the Interior under §2(a)(ii) of the federal act, although no requests have been made since 1980. Adding state wild & scenic rivers to the federal system under this section does not require the approval of the Legislature or Congress. The state has the principal responsibility for wild & scenic river management of rivers added to the federal system under this section of the federal act.[71] Portions of the river segments initially protected in the state system when it was established in 1972—the Smith, Klamath, Scott, Salmon, Trinity, Eel, Van Duzen, and American—were added to the federal system in 1981 under this method. But later additions to the state system (including segments of the East Carson, West Walker, South Yuba, Albion, Gualala Rivers, Cache Creek, and Mokelumne Rivers) have not been subsequently added to the federal system. There is no similar provision in the state system to provide for federal-executive to state-executive dual designations, and the Legislature has so far failed to add important congressionally designated rivers to the state's wild & scenic rivers system—although

in 2018 it provided an emergency mechanism for the Resources Secretary to do so in the event of federal threats to federal wild & scenic rivers. This authority sunsets in 2025. (§ 5093.71), although a bill has been introduced to remove the sunset provisions.[72] As discussed elsewhere in this memo, the Congress has redesignated some rivers in the state system that were accepted by the Secretary of the Interior into the federal system under WSRA §2(a)(ii) as Congressionally designated WSRA §(3) national wild & scenic rivers.

In reaction to the 1981 WSRA §2(a)(ii) federal designations of the lower American River and the north-coast rivers, some subsequent state designations attempt to preclude Gubernatorial requests to include state wild & scenic rivers in the national wild & scenic rivers system under §2(a)ii of the federal Act. See the 2005 Cache Creek (§ 5093.46(j)(7)(A)), and the 2018 Mokelumne River (§ 5093.46(k)(7)(D)) designations.

## Brief history of the California Wild & Scenic Rivers Act and wild & scenic rivers in California—A chronology

**1911** – In the 62nd Congress, California Senator Frank P. Flint introduces a bill to create Kings Canyon National Park.[73]

**1920** – Los Angeles applies to the newly created Federal Power Commission for permits (licenses?) to dam the Kings River at several sites that would decades later become parts of Kings Canyon National Park and the national wild & scenic rivers system. After hearings in Fresno two years later, the Commission put the application in the "indefinitely suspended" file. In June 1923, the FPC rejected the application because all the developments are proposed "in whole or part within the proposed extension of Sequoia National Park."[74] In 1923, nearby Central Valley irrigation interests proposed their own storage projects in the Kings Canyon.[75]

The San Joaquin Power Company proposes dams on Roaring River and Bubbs Creek, two tributaries of the South Fork Kings River that would later be added to Kings Canyon National Park.[76]

**1924** – On November 4, California voters approve an initiative to establish the Klamath River Fish and Game District from the Shasta River confluence to the mouth with the Pacific Ocean. Construction or maintenance of a dam there is guilty of a misdemeanor.[77] This portion of the Klamath would, many decades later, be added to the state and national wild & scenic river systems.

**1939** – In the 76th Congress, Representative B.W. (Bud) Gearhart (R-Fresno) introduces a bill to create Kings Canyon National Park (excluding Tehipite Valley and Cedar

Grove). After passing the House and Senate, President Franklin D. Roosevelt (D-NY) signed the bill on March 4, 1940.[78]

**1951** – The California Legislature (signed by Governor Earl Warren) first authorizes what would become elements of the State Water Project.[79]

**1952** – Los Angeles applies for dams at Tehipite Valley, Cedar Grove, and the SF/MF confluence outside of Kings Canyon National Park and inside the Park at Paradise Valley and Simpson Meadow. The applications were opposed by Secretary of the Interior Chapman, National Parks Director Wirth, the Sierra Club, and the Fresno Chamber of Commerce. The Federal Power Commission (now the Federal Energy Regulatory Commission) turns down the applications.[80]

**1957** – California Water Plan (Bulletin 3) published. [81] The Plan envisions construction of many dams, reservoirs, and diversions on California's north coast rivers (among many other locations). Construction of the State Water Project (Feather River) facilities begins in 1957.[82]

**1959** – First State Water Project contracts are signed, including 1.5-million acre-feet per year to the Metropolitan Water District of Southern California (MWD).[83] The legislature passes the Burns-Porter Act, authorizing the State Water Project and providing for the issuance of general obligation bonds to finance the project. [84]

**1960** – With MWD and LA Times' support, California voters narrowly approve the Burns-Porter Act Bonds ($1.75 billion).[85] The measure had been vigorously championed by Governor Edmund G. "Pat" Brown (D-CA).

**1961** – The Department of the Interior's Outdoor Recreation Resources Review Commission issues *Outdoor Recreation for America* stating, "Certain rivers of unusual scientific, esthetic, and recreation value should be allowed to remain in their free-flowing state and natural setting without manmade alterations."[86]

**1962** – Contracts for 4.23 million acre-feet of State Water Project deliveries had been signed. Roughly half the deliveries could be made with the Burns-Porter Act facilities, the rest from future projects.

**1963** – California Governor Edmund G. "Pat" Brown announces that it was time for the next phase of the State Water Project, capturing and diverting the state's north coast rivers.[87] Initially, the shortfall in supply to meet State Water Project contracts would be met from planned facilities and reservoirs on the Eel River and a diversion tunnel through the inner coast range to the Glenn Reservoir Complex or its variants (located in the inner coast range in southern Tehama County and Glenn County). After the Eel River was added to the state and federal wild & scenic river systems, the Complex, just

north of the currently proposed Sites reservoir, was envisioned to serve as an off-stream storage reservoir for Sacramento River and nearby tributary flows.

**1963 –** Placer County Water Agency (PCWA) reaches an agreement with the U.S. Bureau of Reclamation to drop PCWA's plans for the American Bar Dam. The dam and 100,000 acre-foot reservoir would have been located on the upper reach of Reclamation's planned 2-million acre-foot Auburn dam reservoir on the Middle Fork American River just below PCWA's planned and eventually constructed Oxbow Powerhouse. Thirty years later, with the Auburn dam and reservoir still unbuilt, Reclamation would find this reach of the Middle Fork eligible for wild & scenic river status.

**1964 –** First national wild & scenic rivers bills are introduced in the U.S. Congress.[88] Placer County Water Agency (PCWA) announces plans for the Giant Gap Hydroelectric Project, featuring a 550-feet-tall dam across the North Fork American River.[89]

**1965 –** In his State of the Union speech, U.S. President Lyndon Baines Johnson (D-TX) urged approval of a wild rivers bill.[90]

On August 6, President Johnson signs H.R. 903, a measure to add Cedar Grove and Tehipite Valley to Kings Canyon National Park (H.R. 903, 89th Congress, B.F. Sisk, D-Fresno).[91] These valleys had been sites of interest by Los Angeles and local irrigation districts for reservoirs. Sites upstream of Cedar Grove and Tehipite Valley in the national park had been foreclosed in the 76th Congress by the Park's creation in 1940.[92]

On September 2, President Lyndon B. Johnson (D-TX) signs the legislation authorizing the Auburn Dam as a component of Reclamation's Central Valley Project.[93] The reservoir would have inundated up to 50 miles of the North and Middle Forks of the American River. The upstream end of the proposed reservoir on the North Fork would later approximately define the downstream boundaries of the separate state and federal wild & scenic river designations of the North Fork.

**1966 –** California Senate Concurrent Resolution (SCR-20) requests that California Governor Edmund G. (Pat) Brown's Resources Agency offer comment and recommendations regarding the concept of reserving wild rivers. The resolution was authored by Senate Natural Resources Committee Chair, Fred Farr (D-Carmel) and coauthored by State Senators Rodda (D-Sacramento), Short (D-Stockton), and Teal (D-Railroad Flat).[94] In December 1966, the Agency reported to the Legislature that the concept be broadened to all special waterways: lakes, marshes, coastal lagoons, and estuaries.

Three departments of Governor Brown's California Resources Agency complete a report entitled "Feasibility and Desirability of Designating the Middle Fork Feather

River a Wild River."[95] The report finds that federal designation would be more practicable than a state designation (although neither system existed at the time). The river had been the sites of proposed hydroelectric and irrigation dams by the Richvale Irrigation District, something that may have motivated the report's conclusions.[96]

**1967** – The California legislature, endorsed by Governor Ronald Reagan (R-CA), adopts Senate Joint Resolution No. 16 requesting that the U.S. Congress include the Middle Fork Feather in the proposed national wild & scenic river system.[97] A year later, the Congress does so. Local irrigation districts had been considering the construction of a hydroelectric project there[98] financed by a power purchase agreement with PG&E.[99]

**1968** – California Governor Ronald Reagan (R-CA) signs into law State Senator Robert Lagomarsino's (R-Ojai) Protected Waterways bill (SB-830), which required the Department of Water Resources to investigate California's rivers and develop a list of rivers needing protection and a plan to protect them.[100] In some ways, this was a predecessor of the California Wild & Scenic Rivers Act. Three and four years later, State Senator Lagomarsino would co-sponsor State Senator Peter Behr's (R-Mill Valley) bill establishing the state wild & scenic rivers system.[101]

On July 16, 1968, California Resources Agency Administrator (Secretary) Ike Livermore contacts Wayne Aspinall (D-Colorado), Chairman of the House Interior and Insular Affairs Committee suggesting that he consider inclusion of the Middle Fork Feather River in the then upcoming National Wild & Scenic Rivers Act. He includes a copy of the state 1966 Middle Fork Feather and Senate Joint Resolution #16.[102]

On October 2, with President Lyndon Baines Johnson's signature, the National Wild & Scenic Rivers Act (S. 119, 90th Congress) became law.[103] The Middle Fork of the Feather was the one California waterway included in the original system. Added to the system as the "entire Middle Fork,"[104] with its somewhat ambiguous headwaters. In 1978, the boundaries were to be sharpened, and the designated river was limited to encompass 77.6 miles from the confluence of its tributary streams one kilometer south of Beckwourth and then down to Oroville Reservoir (S. 1506, 94th Congress, Lee Metcalf, D-Montana).[105] The National Wild & Scenic Rivers Act contemplates the existence of state wild & scenic river systems (WSRA §2(a)(ii)),[106] and authorizes the Secretary of the Interior to "encourage and assist the states to consider the needs and opportunities for establishing state and local wild, scenic[,] and recreational river areas." (WSRA §11(a)).[107] The Secretaries of the Interior and Agriculture and the heads of federal agencies are authorized to "assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources." (WSRA §11(b)(1)).[108]

**1969** – On May 13, Governor Ronald Reagan (R-CA) directs California's Department of Water Resources "to work with the U.S. Corps of Engineers to make further analyses of

possible water development plans on the Eel River watershed," in effect shelving the proposed giant Dos Rios dam on the Eel River.[109] Reagan had expressed reluctance to flood tribal lands here. Three years later, the Eel River would become part of the original slate of rivers of the state wild & scenic rivers system.

On April 17, the executive director of the federal Water Resources Council contacts Bill Gianelli, the director of the California Department of Water Resources stating that "[i]n the course of comprehensive planning for the development of water and related land resources in your state, and in the course of your participation In State-Federal river-basin studies, I hope you will give full and appropriate consideration to the need for wild & scenic rivers, In proper balance with all other needs for these resources."[110]

On July 25, the federal Water Resources Council issues guidance on "Wild and Scenic Rivers— Consideration in Studies Concerning Water and Related Land Resources." In part the memo states that "[t]he desirability of designating additional wild, scenic, and recreational rivers in a region under study should be examined by the Secretary of the Interior and the Secretary of Agriculture as provided in Section 5(d) of the Act and by non-Federal public agencies and their findings presented in type 1 studies."[111] Earlier, the memo states that "detailed site studies are not to be a part of type 1 studies." Section 5(d) studies, with additional guidance decades later, would become the dominant way in which candidate rivers are identified by federal agencies in western states. In 1969, the Water Resources Council consisted of the Chairman of the Federal Energy Regulatory Commission, and the Secretaries of the Interior; Agriculture; Army; Transportation; and Health, Education, and Welfare.

**1970** – In February, the Tuolumne River Conference of the Sierra Club Northern California Regional Conservation Committee publishes *The Tuolumne River, a Report on Conflicting Goals with Emphasis on the Middle River.*[112] This 80-page professionally printed report effectively was a wild and scenic river eligibility and suitability report for the free-flowing reaches of the Tuolumne River upstream of then New Don Pedro Reservoir (now Don Pedro Reservoir). It was a recommendation (among others) to the Sierra Club Board of Directors to seek national wild and scenic river status and inclusion in the state's protected waterways system. The recommendations were adopted by the Sierra Club board of directors.[113]

On April 6, in the 91st Congress, Representative Jerome Waldie (D-CA 14th Congressional District - Antioch) introduces a bill to add the Eel, Trinity, and Klamath Rivers, along with their main tributaries, to the national wild & scenic rivers system as §3(a) rivers.[114] H.R. 16854 fails to achieve passage.

September – The Departments of the Interior and Agriculture propose National Wild & Scenic Rivers Act §5(d) studies for the Kern, Klamath, Russian, Sacramento, Smith, and Tuolumne Rivers.[115]

Late in the last session of the 91st Congress, on September 30, Representative Craig Hosmer (R-CA 32nd Congressional District - Glendale) introduces H.R. 19518? to add portions of the NF Kern, Klamath, Russian, Sacramento, Smith, and Tuolumne Rivers as §5(a) potential additions to the national wild & scenic river system (study rivers).[116] Rep. Hosmer had been one of the original cosponsors of the National Wild & Scenic Rivers Act of 1968.[117] Hosmer's California bill fails to achieve passage.

On November 3, the Oregon Scenic Waterways System[118] is created by Oregon voters as the result of a citizen-initiated ballot measure (Measure 9).[119]

The Placer County Water Agency (PCWA) drops plans for the Giant Gap Hydroelectric Project on the North Fork American River.[120]

**1971 –** In February, Governor Ronald Reagan's Resources Agency submits its Protected Waterways report to the legislature.[121] On April 15, State Senator Randolph Collier (D-Yreka) introduces SB-1285, accepting the report and requires further development of the Protected Waterways plans.[122] It becomes law, and the Resources Agency begins to prepare study designs within the next year.[123]

On January 14, State Senators Peter Behr (R-Mill Valley) and Robert Lagomarsino (R-Ventura) introduce SB-107, creating the California Wild & Scenic Rivers Act.[124] Assemblymen Leo McCarthy (D-San Francisco) and John Dunlap (D-Napa) introduce AB-2979, a similar measure in the State Assembly.[125] The measure designates specified segments of the Klamath, Trinity, and Eel River systems. At introduction, the bill does not include any segments of the Smith and American River systems.[126] Management sections are similar to the National Wild & Scenic Rivers Act.[127] Overall, the bill more closely follows the National Wild & Scenic Rivers Act than SB-107 at final passage. The authors amended the bill on May 10, 1971, "to clarify and define the bill's application to North coast land, water rights and commercial activities."[128] On September 30, the measure fails by two votes (19–14 with 21 votes needed) on the Senate floor due to the opposition of State Senate Finance Committee Chairman Senator Randolph Collier (D-Yreka).[129] Future California Governor George Deukmejian, (R-Long Beach) was among the 19 state senators voting for the bill.[130] The measure had failed due to the opposition of State Senate Finance Committee Chairman Senator Randolph Collier (D-Yreka) and many of the powerful water purveyors and users who expected to receive water from the north coast rivers.[131] In December, when asked about the SB-107 in a meeting before a Weaverville professional women's club, State Senator Collier promises to introduce a bill to more definitively protect California's north-coast rivers, including the Trinity River, than SB-1285.[132]

At introduction, the SB-107 does not include any segments of the Smith and American River systems, although State Senator Stephen Teale (D-Railroad Flat) early in the

session was expressing interest in including the North Fork American River[133] upstream of the proposed authorized Auburn Reservoir at the urging of members of the North Fork Wild Rivers Council.[134] As early as May, Senator Behr has told Senator Teale that he intends to amend the bill to include the North Fork American River in SB-107.[135] At the same time, the Sierra Club has asked State Senator Alan Short (D-Stockton, Sacramento) to add the lower American River to SB-107.[136] Jim Jones, the president of the Save the American River Association (SARA), is reported to intend to reach out to State Senators Short and Albert Rodda (D- Sacramento) to add the lower American River to SB107.[137] There is some effort made to include the Tuolumne River into SB-107.[138]

Sometime in this session, State Senator Walter Stiern (D-Bakersfield) discusses inclusion of the North Fork Kern above Lake Isabella Reservoir with Senator Behr, who is reported to have declined because he had his hands full with the Eel, Klamath, and Trinity Rivers in SB-107 at the time.[139]

In February, the Bureau of Land Management announces its preliminary finding that the segments of the South Fork Yuba River from Lang's Crossing to Englebright Reservoir near Bridgeport and from the confluence with Castle Creek to Lake Spaulding meet the "criteria for protection under the National Wild and Scenic Rivers Act."[140]

On April 6, in the 92nd Congress, Representative Jerome Waldie (D-CA 14th Congressional District - Antioch) reintroduces a bill to add the Eel, Trinity, and Klamath Rivers, along with their main tributaries, to the national wild & scenic rivers system as §3(a) rivers.) H.R. 7238 fails to achieve passage.[141]

**1972 –** On January 3, State Senator Randolph Collier (D-Yreka) introduces SB-4, a measure to establish a Protected Waterways system encompassing at passage specified segments of the Smith, Trinity, Klamath, Salmon, Eel, and North Fork American River systems.[142] On January 24, State Senator Peter Behr (R-Marin) re-introduces SB-107, the California Wild & Scenic Rivers Act, adding the Smith River to the package from the bill in the previous year[143] On March 15, the American River below Nimbus Dam (the lower American River) and the North Fork American River above the site of the federal authorized proposed Auburn dam reservoir (Giant Gap), along with portions of Wooley Creek in the Klamath River watershed and portions of tidelands and submerged lands of Upper Newport Bay are added to the bill.[144] The Upper Newport Bay amendment does not survive at final passage.

On March 16, Joe Paul, State Chairman of the California Committee of Two Million (a leader of the organizing effort to create a state wild & scenic river system featuring California's north coast rivers), dies after brief illness.[145]

Fresno State Senator George Zenovich (D-Fresno) introduces SB-1028, a measure to designate the South and Middle Forks of the Kings River between Kings Canyon NP and Pine Flat Reservoir as a "wild" river in any future California "wild" river system.[146] The proposed Rogers Crossing dam and reservoir would be within these river reaches.[147] Senator Zenovich's measure is not adopted.

The Environmental Defense Fund, Save the American River Association, and others file a complaint in Alameda Superior Court against East Bay Municipal Utility District's plans to take deliveries of its federal water-supply contract from the Folsom-South Canal upstream of the soon-to-be-designated lower American wild and scenic river.[148] Sacramento County intervenes supporting plaintiffs.[149]

On December 15, *NRDC v. Stamm* is filed challenging the 16-page EIS for the federal Auburn Folsom-South Unit (Auburn dam and the Folsom South Canal).[150] The canal, located just upstream of the state designated lower American River, would divert a substantial portion of its flows. Joining NRDC were the Environmental Defense Fund and the Save the American River Association.

DWR Director Bill Gianelli opposed Senator Behr's and Collier's bills (especially the former), but the California Resources Secretary Ike Livermore supported SB 107, and both sought to influence Governor Reagan (R-CA). Ike won.[151] After passing both houses of the legislature,[152] on December 20, SB-107, the California Wild & Scenic Rivers Act is signed into law by Governor Ronald Reagan in a measure carried by State Senator Peter Behr (R-Mill Valley).[153] Reagan vetoed what ultimately had become a somewhat similar measure, SB-4 (Collier, D-Yreka), which also passed the legislature.[154] The new system includes the Smith River and its tributaries, portions of the Klamath River and its major tributaries, the Eel River and its major tributaries (including the Van Duzen River), the lower American River, and the NF American River from the maximum pool of the proposed Auburn dam reservoir to the headwaters of the north fork.

Perhaps most consequentially, the new system would protect the Eel River and many of its tributaries from dams and diversions, starting with the giant proposed Dos Rios dam. In the preceding years (and for some time afterwards), both DWR and the U.S. Army Corps of Engineers had plans to dam the Eel River system and deliver Eel River waters to the Central Valley and north San Francisco Bay and adjacent counties. Nearly 12.68-million acre-feet[155] of Eel River watershed reservoirs had been planned with a hoped-for reliable annual yield of more than 2.3 million acre-feet.[156] Thus the contract to reliable yield shortfall of the state water project was to come from the Eel River.

The Eel River projects weren't the only reservoirs and interbasin transfers contemplated for California's north-coast rivers for which the wild & scenic rivers designations would prove to be an impediment. The 1957 California Water Plan called for "the conservation

of some 8,000,000 acre-feet of water per season for export to areas of deficiency elsewhere in the state" from the "Klamath-Trinity Group."[157] Earlier, in 1951, the U.S. Bureau of Reclamation had proposed (or at least examined) the Ah Pah dam on the Klamath River as part of its "United Western Investigation Study." It was envisioned to hold 15-million acre-feet of water for delivery to the same "areas of deficiency" in the state. The Ah Pah reservoir would have dwarfed the reservoir capacity of the 4.5-million-acre-foot Shasta Reservoir, then and still the state's largest. It would have inundated 40 miles of the Trinity River and 70 miles of the Klamath River.[158]

**1973 –** As early as January, Governor Ronald Reagan's Resources Agency begins preparations for management of the state wild & scenic river system.[159]

In February, in the 93rd Congress, Congressman Biz Johnson (D-Roseville) and U.S. Senator Alan Cranston (D-California) introduce H.R. 4326[160] and S. 2386,[161] respectively, to designate some of the NF American that was in the state wild & river system (the segment from the proposed Auburn dam reservoir upstream to "the Cedars") as a federal wild & scenic river (§5a) study river and for the Secretary of the Interior to conduct the study. These bills did not pass, but their successor did in the following Congress.

In February, the East Bay Municipal Water District seeks amendments to the California Wild & Scenic Rivers Act to ensure that the Act does not apply to contracts to obtain water from the Folsom-South Unit of Reclamation's Central Valley Project and the construction and operation of a local government agency to receive such water.[162]

On February 25, Representative John McFall (D-Manteca) introduces H.R. 13017 to make the Tuolumne River a "study" river under (§ 5(a), potential addition to the national wild & scenic rivers system. Representatives Biz Johnson (D-Roseville) and Bob Mathias (R-Fresno) cosponsored the bill.[163] Bob Mathias and other local notables had previously been taken down the river by the Sierra Club Tuolumne River Conference and rafting companies on the Tuolumne River. The bill was referred to the House Interior and Insular Affairs (now Natural Resources) Committee. No action was taken. The successor bill passed in the following Congress.

The U.S. Army Corps of Engineers, in the course of the Sacramento River Bank Protection Project, undertakes (§5(d) National Wild & Scenic River inter-agency studies of the Sacramento River from Chico landing to the city of Sacramento.[164] Interagency §5(d) studies or §5(a) proposals for other California rivers are discussed.[165]

State Senator Peter Behr (R-Mill Valley) introduces SB-253 to clarify that the California Wild & Scenic Rivers Act is not intended to interfere with East Bay Municipal Utility District's water service contract with the U.S. Bureau of Reclamation to take water from the Lake Natoma Reservoir on the American River and just upstream of the designated

reach that flows through the Capital city. The Sacramento Board of Supervisors opposes the bill.[166] The bill does not pass.

The California Wild & Scenic Rivers Act is amended to prohibit construction of dam projects on the South and Middle Forks of the Kings River and its tributaries on the Sierra and Sequoia National Forests for five years (SB-623, George Zenovich, D-Fresno). It is signed by Governor Ronald Reagan (R-CA) on September 17.[167]

**1974 –** The Federal District Court rules in *NRDC v Stamm* that the U.S. Bureau of Reclamation's EIS for the Auburn Folsom-South Unit is inadequate.[168] When the supplemental EIS is completed, the plaintiffs drop objection to the Auburn dam portion of EIS. The court approves agreement between Reclamation and plaintiffs that no additional construction of, or contracts from, the Folsom-South Canal can be undertaken without notice, and the court retains jurisdiction.[169] No construction of the canal has ever resumed. The canal travels past the Cosumnes River to the now closed Rancho Seco Nuclear Generating Station and ends a little south of Twin Cities Road in southeastern Sacramento County, and only relatively minor deliveries of lower American River are made from the canal (the canal now primarily serves as a partial conduit for Sacramento River deliveries to the East Bay Municipal Utility District from the Freeport Regional Water Facility). The Auburn dam project on the NF American River, delayed because of a seismic-safety redesign, has never been completed, largely because of later federal cost-sharing requirements.

On June 27, Friends of the River submits 348,000 valid signatures to the Secretary of State, successfully placing a statewide initiative (Proposition 17, the "Stanislaus River Protection Act of 1974") on the ballot. It would have added two segments of the Stanislaus River to the state system (from the bridge at Camp Nine to the Parrot's Ferry Bridge and from 100 yards below Goodwin Dam to the confluence with the San Joaquin River). The initiative is narrowly defeated at the polls in the November election.[170]

**1975 –** On January 3, 1975, in the 93rd Congress, S. 3022 (U.S. Senator Gaylord Nelson, D-Wisconsin) is signed into law by President Gerald Ford (R-MI). S. 3022 made a portion of the NF American River a national wild & scenic study river (WSRA §5(a)(28)).[171] The statute makes 40 miles of the State-designated North Fork American a "study" river under §5(a) of the National Wild & Scenic Rivers Act from the high-water mark of the proposed Auburn dam reservoir (Iowa Hill Bridge) to where the North Fork canyon broadens near "The Cedars." This statute also made the Tuolumne River a national wild & scenic study river from its headwaters to Don Pedro Reservoir (WSRA §5(a)(52) under the same section.[172]

**1976 –** State Senator Behr (R-Mill Valley) introduces SB-1482 to add a portion of the Stanislaus River to the state system. The bill is tabled with a 4–4 vote in the Senate

Natural Resources and Wildlife Committee and dies. Assemblyman Dixon Arnett (R-San Mateo) introduces the similar AB-1460. The bill also dies.

Congress clarifies the upstream boundary for the Middle Fork of the Feather River, one of the original national wild & scenic rivers. The new boundaries encompass 77.6 miles from the confluence of its tributary streams one kilometer south of Beckwourth and then down to Oroville Reservoir (S. 1506, 94th Congress, Lee Metcalf, D-Montana).[173] The original 1968 National Wild & Scenic Rivers Act had included the entire headwaters, which included multiple channels through upstream meadows.

The U.S. Bureau of Reclamation conducts a study to divert 120,000 acre-feet per year to the Butte Valley from the Klamath River system above Keno Dam to offstream storage reservoir or the groundwater basin. The Klamath River is part of the state wild & scenic river system.[174]

**1977 –** Organizing begins by the Northstate Wilderness Committee (Chaired by Steven L. Evans) for wild & scenic river designation of Mill and Deer Creeks in Tehama County.[175]

State Senator Rubin Ayala (D-Chino), introduces SB-345, a bill to repeal the state wild & scenic river Act. The measure, although easily clearing Senator Ayala's Senate Agriculture and Water Committee, fails to pass the legislature.[176] California Assemblyman Barry Keene (D-North Coast) introduces AB-653, a bill to "strip the powers of the [state] Wild and Scenic Rivers System."[177]

**1978 –** On November 10, much of the state-designated segment of the North Fork American River is also added to the national wild & scenic rivers system as a §3(a) river through an act of Congress (S. 791, National Parks and Recreation Act of 1978, 95th Congress, Frank Church, D-Idaho,) signed by President Jimmy Carter (D-GA).[178] Rep. Biz Johnson (D-Roseville) championed the federal bill in the House of Representatives along with U.S. Senator Alan Cranston (D-California) in the U.S. Senate. In comparison to the longer 1972 State designation, the federal designation is truncated on both ends: it goes from 1,000 feet upstream of the Iowa Hill Bridge to 0.3 miles upstream of Heath Springs, near The Cedars (the section line between Sections 15 and 16, T16N, R14E), with a more-than-320-acres-per-mile bulge to encompass some of the Gold Run hydraulic mining watershed, consistent with the Forest Service WSRA §5(a) study recommendation to designate the North Fork. In contrast, the State designation goes from the Iowa Hill Bridge to the source, Needle Lake and Mountain Meadows Lake, approximately six or seven miles further upstream than the federal designation.[179]

In the same legislation, the North Fork of the Kern River is made into a Congressionally designated National Wild & Scenic Rivers Act study river (WSRA §5(a)(59)). (S. 791, National Parks and Recreation Act of 1978, 95th Congress, Frank Church, D-Idaho).[180]

Both of the California measures had appeared in a version of H.R. 1256, the National Park and Recreation Act of 1978 (Rep. Phil Burton, D-San Francisco), which had earlier passed the U.S. House of Representatives.[181] It would later pass in modified form.[182]

**1979** – H.R. 4223 is introduced. If passed, it would add the Parrott's Ferry to Camp Nine reach of the Stanislaus River to the national wild & scenic river system.[183]

In July the U.S. Forest Service releases its WSRA §5(a) Tuolumne River study with a preferred alternative of wild & scenic river status for the free-flowing reaches from the headwaters to New Don Pedro Reservoir.[184]

**1980** – Assemblyman Doug Bosco (D-Occidental) introduces AB-1561, a measure to amend the state Wild & Scenic Rivers Act to eliminate the management plan requirement. Norm Waters (D-Plymoth) introduces a similar measure, AB-2504. State Senator Jim Nielson (R-Red Bluff) introduced a similar measure in the State Senate.[185] Without explanation, the *Sacramento Bee* reports that the Bosco bill "is generally conceded to be the reason Gov. Brown pushed the Carter administration to place portions of five Northern California rivers in the federal Wild and Scenic Rivers Act [sic.] in the final hours of the Carter presidency."[186]

By April 1980, the California Resources Agency and its Department of Fish and Game have completed state wild & scenic river system waterway management plans for all of the North Coast rivers and the lower American River and North Fork American River. The Resources Agency Secretary was then required to submit them to the legislature for adoption (original § 5093.58.(b)(c)).[187] None are not adopted by the legislature, bottled up in State Senator Ruben Ayala's (D-Chino) Agriculture and Water Committee.[188]

On June 26, Assembly Constitutional Amendment 90 is filed with the Secretary of State. Passed by two-thirds majorities in the Assembly and State Senate, the measure would place Proposition 9 on the statewide ballot, providing for higher voting thresholds for the legislature to repeal storage and diversion provisions of the California Wild & Scenic Rivers Act. The ballot measure, however, was part of a compromise package with SB-200 (Ayala D-Chino) then working through the legislature. SB-200 authorized the Peripheral Canal and other major water projects. Proposition 9 could only go into effect if SB-200 was passed and survived any potential referendums.[189]

On July 1, in the 96th Congress, Rep. Robert Matsui (D-Sacramento) introduces a bill (H.R. 7711) to make the state-designated lower American River a national wild & scenic river and to authorize acquisitions in the American River Parkway.[190] Opponents such as Rep. Norman Shumway (R-Stockton) seek to guarantee that the Folsom-South Canal upstream can function as conceived in Reclamation's 1965 Auburn Folsom-South Unit authorization, with large volumes of the lower American River being diverted south

upstream of the lower American River, projects effectively enjoined in *NRDC v. Stamm*. By December, U.S. Senator S.I. Hayakawa (R-CA) announces his opposition to federal designation of the lower American River.[191] Matsui's federal bill is later combined with an Omnibus Wild Rivers Bill (H.R. 8096-Burton), which does not become law, in part because of Senator Hayakawa's opposition.[192]

On July 18, California Governor Edmund G. "Jerry" Brown Jr. (D-CA) petitions Secretary of the Interior Cecil Andrus to include nearly all of the California's state-designated north-coast and lower American wild & scenic rivers into the national wild and scenic rivers system[193] under §2(a)(ii) of the federal act (16 U.S.C. 1273(a)(ii)).[194] In an effort to defuse environmental opposition to SB-200 (Ayala D-Chino), Brown signed the petition on the same evening that he signed SB-200 into law on statewide television.[195] SB-200 would have directed the Department of Water Resources to construct the Peripheral Canal around the California Delta. It also would have authorized the Mid-Valley Canal to bring non-SWP Delta water to many areas served by the Friant Unit of the CVP and, additionally, would have authorized the Glenn, Colusa, or the Sites Reservoirs on the west side of the Sacramento Valley (among other water projects and programs).[196] Both the petition and SB-200 proved controversial. Lawsuits in state and federal courts were filed seeking to revoke the Brown petition[197] or prevent a Secretarial acceptance decision.[198] SB-§200 would become subject to a referendum vote two years later.

The Federal Bureau of Outdoor Recreation and the California Department of Water Resources begin an intense effort to complete a federal Environmental Impact Statement (EIS) to support Secretarial §2(a)(ii) acceptance of the California governor's request by what soon become outgoing Secretary of the Interior Cecil Andrus.

During the summer/fall of 1980, major timber companies and water interests such as the Metropolitan Water District of Southern California lobby the appropriators in the U.S. Congress to include an appropriations rider prohibiting Secretary Andrus from including Governor Jerry Brown's proposed §2(a)(ii) rivers into the federal wild and scenic rivers system. [199] The House will eventually pass such a rider.[200]

In late summer, the California State Senate voted 23–6 for a measure to gut the state wild and scenic river system (perhaps a measure similar to the 1980 Bosco bill). The measure was not enacted into law in this session of the legislature, but it did demonstrate the fragility of the California wild & scenic river system in the legislature.

On September 17, by a 20–19 vote, the U.S. House of Representatives Interior Committee removed the federal wild & scenic river §3(a) designation language for the Stanislaus River from San Francisco Democrat Phil Burton's Omnibus Wild Rivers Bill (H.R. 8096[201]).[202] The measure had included language from San Jose Democrat Rep. Don Edward's H.R. 4223,[203] which would have designated a segment (segments?) of the

Stanislaus River as a national wild and scenic river. State wild & scenic river protection for the Stanislaus River had previously failed by ballot initiative and within the legislature. The omnibus bill does not become law.

The federal §2(a)(ii) designation draft EIS is finished and submitted to the EPA on September 16.[204]

In the November 4 state election, California voters pass Proposition 8, limiting the power of the legislature to reduce environmental, water rights, or water quality protections in SB-200 (the peripheral canal authorization). It further prevents appropriations for storage in, or direct diversions from, the then existing California wild & scenic rivers to areas in another hydrologic basin without a vote of the people or a two-thirds vote of the legislature. However, this protection was double joined with SB-200.[205] SB-200 went to referendum, and the Proposition 8 protections were paused until the June 1982 election.

In the November 4 federal election, President Jimmy Carter (D-GA) is defeated by former California Governor Ronald Reagan (R-CA). Election results in U.S. Senate races would put the Republicans in charge of the U.S. Senate, while the Democrats hold the House of Representatives.

On November 12, the Congress begins a "lame duck" session with a considerable number of appropriations bills left over from before the election. Remaining on the agenda for the state's timber companies and the Metropolitan Water District of Southern California and other State Water Project contractors were appropriation bill riders to prevent Secretary Andrus from acting on Governor Jerry Brown's petition to add the then California wild & scenic river system to the federal system as 2(a)(ii) rivers.

On November 14, a temporary restraining order is granted by the Judge Ingram of the federal Northern District of California to extend the WSRA §2(a)(ii) designation draft EIS comment period. After oral arguments on November 26, on December 1 he dissolves his temporary restraining order and denies the request for a preliminary injunction on the basis that under the circumstances the court lacks the power to provide the requested relief.[206]

On December 5, a state court rules that it did not have the power to require that Governor Jerry Brown withdraw his federal designation request.[207] The court does opine that under state law California would be unable to discharge its management duties contemplated in §2(a)(ii) of the National Wild & Scenic Rivers Act. The lawsuit had been filed by such noteworthys as the Association of California Water Agencies, Kern County Water Agency, the Metropolitan Water District of Southern California,

and other southern California water districts–plaintiffs against the Secretarial designation/finding that would appear many times in the coming months and years.

On December 5, the *Sacramento Union* reported that, on the previous day, the Senate Appropriations Committee adopted dozens of riders to the proposed continuing resolution, including a hefty pay raise for the Congress and a prohibition on Secretary Andrus findings that would accept the wild & scenic rivers into the federal wild & scenic river system until the action was approved by the relevant committees of the Congress.[208] The wild & scenic river amendment was offered by the incoming chair of one of the relevant committees, the Senate Energy and Natural Resources Committee, James McClure (R-Idaho). The amendment was offered with the support of U.S. Senator S. I. Hayakawa (D-California). However, when considered on the Senate floor, the outgoing majority Senate Democrats did not wish to displease the incoming majority leader U.S. Senator Bob Dole (R-Kansas) with non-germane riders, so at passage the Senate continuing resolution was a "clean bill."[209] Among the politically troublesome riders, was the rider granting a Congressional pay raise. Back in the House, which has to reconcile its bill with the Senate, then three-term Congressman George Miller (D-Martinez) worked to remove the House rider package.[210] In the end, late in the evening of December 16, just before adjournment, the House accedes to the Senate, and a "clean" bill, without riders (including the rider for a controversial Congressional pay raise), is adopted instead.[211] In the end, no rider prevents Secretary Andrus from acting.

On the same day, the comment period for the draft EIS is closed.[212]

On December 12, the completed final federal §2(a)(ii) designation EIS[213] is filed with the Environmental Protection Agency.[214] On December 17, the publication of the final EIS is noticed in the Federal Register.[215] The final EIS found that 1,246 miles of the state-proposed 4,006 miles were eligible for the federal system and included them in the preferred alternative.[216] The state's wild & scenic Smith River included every minor tributary—essentially the entire watershed;[217] the federal preferred alternative winnowed the eligible river segments to named Smith River tributaries important for anadromous fisheries.[218] Nearly all the excluded river/stream miles were, therefore, on the Smith River system. The rest was a fraction of a mile on the Klamath River: a 3,300 ft. segment below where the state wild and scenic river designation begins (300 ft. downstream of Iron Gate Dam). This lack of full §2(a)(ii) designation for the state-designated Klamath River was done at the request of the Federal Energy Regulatory Commission.[219]

**1981** – Secretary Andrus, by law, is required to wait 30 days from the date of the December 16, 1980, Federal Register notice before accepting Governor Jerry Brown's request.[220] In January of 1981, after the release of the final EIS, plaintiffs seek injunctions from District courts in San Jose and Portland to prevent Secretary Andrus from making the §2(a)(ii) findings and EIS record of decision. The Portland, Oregon, federal District

Court issues a temporary restraining order on January 15 until a January 22/23 hearing can be held on the permanent injunction).[221] The San Jose federal court issues a similar temporary restraining order.[222] On January 16, an emergency request to overturn the temporary restraining orders is filed with the 9th Circuit Court of Appeals. Inauguration Day is on January 20, 1981.

As part of the transition planning for the new Presidential administration, the White House Chief of Staff Hamilton Jordan directs the Carter Administration cabinet secretaries to turn in their resignations by the close of business on January 19, 1981. Secretary Andrus ignored the direction, instead honoring his promise to President Carter to serve for the *entire* Carter term of office.[223] After the close of business at the Interior Department, Secretary Andrus attends a White House farewell party for the cabinet that evening.[224]

On January 19, 3:30 p.m. Pacific Time, the U.S. 9th Circuit Court of Appeals reverses the preliminary injunctions on ripeness grounds.[225] While plaintiffs attempt to reach U.S. Supreme Court Associate Justice William Rehnquist to initiate actions to overturn the 9th Circuit ruling, DWR legal staff inform the Administration. Secretary Andrus is reached through the White House switchboard,[226] and he returns to his office (now well after regular office hours), and by 7:30 p.m. Washington D.C. time[227] Andrus signs the Record of Decision and findings to support Governor Brown's request for National Wild & Scenic Rivers Act §2(a)(ii) designation. The signing is witnessed by a federal janitor.[228]

On January 21, the day after Inauguration Day, a federal holiday in the capital, Interior staff discover the signed document. The next day James Gaius Watt is confirmed as Secretary of the Interior and sworn in the following day.[229]

Andrus's Record of Decision/findings added the rivers in the federal EIS preferred alternative (minus Hardscrabble Creek) to the national wild & scenic rivers system as WSRA §2(a)(ii) rivers.[230]

On February 2, plaintiffs resumed litigation in the U.S. District Courts, this time against the merits of the §2(a)(ii) designation. The Portland and San Francisco/San Jose cases are soon consolidated in the Northern District Court for California in the court of Judge Ingram. On the federal defendant side, attorneys from the San Francisco offices of the U.S. Attorney and Interior Field Solicitor were replaced by attorneys from the Justice Department and the Interior Solicitor's office in Washington D.C.[231]

On February 19, Secretary of the Interior James Watt announces the abolishment of the Heritage Conservation and Recreation Service (HCRS), the federal agency responsible for the §2(a)(ii) north-coast rivers EIS. By May 31, the HRCS staff who worked on the

designation had been scattered across other federal agencies, including the National Park Service.[232]

In April, Max Peterson, Chief of the U.S. Forest Service, overturns the Plumas National Forest's decision to permit dredging 1¼ miles of the "wild" classified reach of the Middle Fork Feather national wild and scenic river.[233]

The Tuolumne River Preservation Trust, with John Amodio as its executive director, is formed.[234]

**1981** –State Assemblyman Richard Lehman (D-Fresno) introduces AB-392, a bill to remove the Eel River from the State System.[235] It dies in the Assembly Energy and Natural Resources Committee. Assemblyman Doug Bosco (D-Occidentale) introduces AB-1349, a measure to amend the California Wild & Scenic Rivers Act.

On February 27, the U.S. District Court in Fresno rules that the U.S. Bureau of Reclamation must abide State Water Resources Control Board orders limiting New Melones Dam reservoir levels for irrigation, fishery, and water quality purposes. However, the court also rules that the reservoir can be filled for power production purposes. Reclamation takes advantage of flood control and the power production loopholes in the Board orders and the court decision and the Camp Nine rafting run inundated by the reservoir.[236] The state appeals the Fresno Court decision.[237]

**1982** – On February 4, Governor Edmund G. "Jerry" Brown Jr. (D-CA) signs AB-2214 (Bosco, D-Occidentale). AB-2214 excludes a Smith River tributary, Hardscrabble Creek, from the state system to provide for the mining of strategic metals by adding § 5093.66(b). It had not been included in the federal system by Secretary Andrus. AB-2214 classifies Smith River tributary Copper Creek and its tributaries as "Recreational" (§ 5093.66(c)). AB-2214 also prohibits any mining activity within a quarter mile of the North Fork of the Smith River that would have an adverse effect on scenic, recreational, fishery, or wildlife values of that waterway (§ 5093.66(c)). AB-2214 allows the Natural Resources Secretary to allow small summer recreational dams after making certain findings (§ 5093.67).

Proposition 8, passed by the voters in 1980, providing for a two-thirds majority requirement for legislative de-designation of the then existing state wild & scenic rivers, becomes null and void when voters reject the peripheral canal, Proposition 9 (SB-200), in a statewide referendum on the June 8 ballot.[238]

In August, the National Park Service completes its first National Rivers Inventory of free-flowing river segments in the United States considered to be potentially eligible for designation as national wild and scenic rivers.[239]

On September 28, 1982, Governor Edmund G. "Jerry" Brown Jr. (D-CA) signs AB-1349, the legislature's most significant and arguably damaging amendments to the California Wild & Scenic River Act and System. AB-1349 (Bosco, D-Occidentale) eliminated the mandate for management plans of rivers (§ 5093.58 of the original 1972 Act) and "adjacent land areas" (original § 5093.48(b)). AB-1349 eliminated the Secretarial responsibility for "administration of the system" (original § 5093.60) and in favor of coordinating state agency activities with other state, local, and federal agencies with jurisdiction that might affect "the rivers" (present § 5093.60). AB-1349 eliminated the direction to the Resources Agency to cooperate with water pollution control agencies to eliminate or diminish water pollution in the "System" (original § 5093.61). The amendments sharpened the definition of "river" as various waterbodies "up to the first line of permanently established riparian vegetation" (§ 5093.52(c)) and defined "immediate environment" as the land "immediately adjacent" to designated segments (§ 5093.52(h)). AB-1349 also specified that the Legislature rather than the Resources Secretary is responsible for classifying or reclassifying rivers by statute, although the Resources Secretary may recommend classifications or reclassifications (§ 5093.546). The amendments included the classifications for the rivers that stayed in the System (§ 5093.545). The nearly watershed-level Smith River system designations was repealed (§ 5093.54(c)), removing about 2,760 ill-defined miles of river from the state system. AB-1349 names twelve named western Smith River tributaries (Dominie Creek, Rowdy Creek, SF Rowdy Creek, Savoy Creek, Little Mill Creek, Bummer Lake Creek, EF Mill Creek, WB Mill Creek, Rock Creek, Goose Creek, EF Goose Creek, and Mill Creek) to be removed from the state system, but the dam prohibition is continued (§ 5093.541). AB-1349 bill was said to be the result of three to four years of intensive negotiations among timber interests, the counties, the Governor, and the Resources Agency.

The Chief of the U.S. Forest Service directs that in the preparation of Forest Land and Resource Plans, Forests shall identify and evaluate rivers potential inclusion in the national wild & scenic rivers system. Forest Plan appeals by 1986 sharpened and clarified the Forest Service's (and, by extension, other federal agency) responsibilities under §5(d) of the National Act to undertake these eligibility and suitability findings, assessments, and recommendations.[240] The existence of such consistent planning responsibilities has considerably enriched a continuing candidate pool and interest in additions to and the management of national wild & scenic rivers. Friends of the River, and later CalWild has historically kept a list of California rivers found by eligible and suitable rivers developed by federal agencies.

The East Bay Municipal Utility District files for a preliminary permit for the proposed Middle Bar dam on the reach of the Mokelumne River that, thirty-six years later,[241] would mostly become part of the state wild & scenic river system.

**1983 –** On January 29, U.S. Senator Alan Cranston D-CA) introduces S. 142, a bill to designate the free-flowing reaches of the Tuolumne River upstream of New Don Pedro Reservoir as a component of the national wild & scenic river system.[242]

With the governorship of George Deukmejian (R-CA), the state's interest in defending the §2(a)(ii) designation of the then CAWSRA rivers wanes. The Environmental Defense Fund is granted intervenor status in the Andrus designation court proceeding, and it takes a strong interest in the litigation.[243]

On February 11, the U.S. District Court for the Northern District of California overturns Secretary Andrus's decision to accept Governor Jerry Brown's WSRA §2(a)(ii) request.[244] The Environmental Defense Fund immediately requests a 30-day stay of the order, which is granted to allow for an appeal of the decision to Ninth Circuit Court of Appeals. On the 29th day of the stay, the Ninth Circuit Court agrees to hear the appeal. On November 16, the case is argued and submitted.[245]

**1984 –** In a press conference on February 9, California U.S. Senator Pete Wilson announces his support for S. 142, the bill previously introduced by U.S. Senator Alan Cranston to designate the free-flowing reaches of the Tuolumne River.[246] Also in February, Senator Wilson announced that he would join Senator Cranston and U.S. Representative Norm Shumway (R-Stockton) in submitting legislation to revive the Auburn dam.[247] The reservoir behind the proposed dam would inundate the much of the middle and north forks of the American River that would be found eligible for wild & scenic river status by the U.S. Bureau of Reclamation in 1993.

On May 3 and 4, the Subcommittee on Public Lands and National Parks of the U.S. House of Representatives Committee on Interior and Insular Affairs holds a hearing[248] on H.R. 2474[249] (Ron Dellums, D-Berkeley), H.R. 5083[250] (Richard Lehman, D-Fresno), and H.R. 5291[251] (Tony Coehlo, D-Merced) to designate portions of the Tuolumne River as a National Wild & Scenic River. H.R. 5083 and especially H.R. 5291 proposed some restrictions on the effect of the proposed designations. The latter bill would also designate the South Fork of the Merced.

On May 11, the U.S. Ninth Circuit Court of Appeals reverses the U.S. District Court decision that overturned the Andrus California §2(a)(ii) designation.[252] Plaintiffs immediately petition for a Writ of Certiorari with the U.S. Supreme Court.[253]

On September 28, President Ronald Reagan (R-CA) signs H.R. 1437, the California Wilderness Act of 1984, a measure incorporating key elements of Richard Lehman's H.R. 5083, to designate large portions (83 miles) of the Tuolumne River upstream of Don Pedro Reservoir as a national wild & scenic river (H.R. 1437, 98th Congress, Burton, D-San Francisco). Large areas of Yosemite National Park in the Tuolumne River

drainage were added to the National Wilderness System, along with other areas of significance in California.[254]

**1985 –** On January 21, the U.S. Supreme Court denies Writ of Certiorari in the "Andrus decision" case.[255] Litigation against designation ends.[256]

On October 15, the Subcommittee on Public Lands and National Parks of the U.S. House of Representatives Committee on Interior and Insular Affairs holds a field hearing in Yosemite National Park on the potential addition of the Merced River upstream of Lake McClure Reservoir and the Merced's South Fork to the national wild & scenic river system.

**1986 –** On September 20, 1986, Governor Edmund G. "Jerry" Brown Jr. (D-CA) signs AB-3101 (Byron Sher, D-Palo Alto), amending the State Act to provide for studies of potential additions to the System (§ 5093.547)[257] and to designate portions of the East Carson, West Walker, and McCloud Rivers as potential additions to the System.[258] It also repeals provisions of the original act to permit and authorize DWR to study dams on the Eel River.[259] This measure would provide the means to potentially break the 14-year logjam on new designations in the California Wild & Scenic Rivers Act.

On October 30, 1986, President Ronald Reagan (R-CA) signs H.R. 4950, a bill which amends the National Wild & Scenic Rivers Act (in part) (H.R. 4950 Title V., 99th Congress, Bruce Vento, D-Minnesota) to require federal agencies with lands and rivers designated before 1986 (including 2(a)(ii) rivers) to review boundaries, classifications, and plans within ten years for conformity with the 1986 comprehensive plan requirement in their regular planning process.[260] Other material generic amendments are also made reflecting experience with implementing the statute.[261] This amendment does not affect presumption that the principal management responsibility for 2(a)(ii) rivers is the state's, although the federal land manager retains management responsibilities for federal lands.[262]

**1987 –** In January the Merced Canyon Committee publishes its 1-inch-thick *Comments of the Merced Canyon Committee to the Sierra National Forest Regarding the Draft Land and Resource Management Plan.* The comments were authored by Ronald Stork, executive director of the Merced Canyon Committee and provided eligibility and suitability information for the Merced River upstream of McClure Reservoir and the Merced's South Fork.[263]

In February the Committee to Save the Kings River publishes *The Kings River, a Report of its Qualities and its Future*. The report is authored by Tim Palmer.[264]

In September, Friends of the River hires Ronald Stork, one of the authors of this memo.

On November 3, with the signature of President Ronald Reagan (R-CA) large portions of the Kings River upstream of Pine Flat Reservoir (81 miles) are protected by Congress as national wild & scenic rivers or a special management area (H.R. 799, 100th Congress, Richard "Rick" Lehman, D-Fresno).[265] Portions of the Kings River upstream from the reservoir had previously been protected from dams by an expired provision of the California Wild & Scenic Rivers Act from 1973 to 1978 (SB-623, George Zenovich, D-Fresno). In addition, on November 2, 1987, President Reagan signs H.R. 317 to add portions of the Merced (111.5 miles) (H.R. 317, 100th Congress, Tony Coehlo, D-Merced);[266] and on November 29, 1987, does the same to add portions of the Kern Rivers (181 miles) (S. 247, 100th Congress, Alan Cranston, D-California) to the national wild & scenic river system.[267] In all three bills, boundaries, classifications, and management plans within the national park portions of the designations is to be accomplished through updates to the park general plans.

**1988** – On November 8, 1988, an eleven-mile segment of the Klamath River below the J.C. Boyle Powerhouse (the powerhouse removed in 2024) and reaching downstream to the Oregon border with California (along with 10 other rivers) is added to the Oregon State Scenic Waterways System with the passage of Ballot Measure #7, a citizen-initiated ballot measure.[268] The Oregon Scenic Waterways Act is a statewide law for river conservation established by popular vote put on the statewide ballot by voters for the general election of 1970 (measure #9).

On October 28, S. 2148 (100th Congress, Mark Hatfield R-Oregon), the Omnibus Oregon Wild & Scenic Rivers Act of 1988, is signed by President Reagan (R-CA).[269] It designates 40 national wild & scenic rivers and creates six WSRA 5(a) study rivers.[270] In addition, the measure requires a WSRA §5(d) study of the Klamath River segment from the J.C. Boyle Dam (removed in 2024) to the California/Oregon border. The statute requires the study results to be submitted to the Congress by April 1, 1990.[271]

Friends of the River hires Steve Evans, one of the authors of this memo, to manage the agency wild & scenic river study pipeline.

**1989** – On July 26, 1989, Governor George Deukmejian (R-CA), in response to studies and recommendations conducted by the Resources Agency, signs AB-1200 (Sher, D-Palo Alto)[272]. The East Fork Carson from the Hangman's Bridge crossing of State Route 89 to the Nevada border (§ 5093.54(f)(2)) and the West Fork Walker from its source to the confluence with Rock Creek near Walker (along with a short segment of Leavitt Creek, Leavitt Falls to the Walker River confluence) are added to the state system (§ 5093.54(f)(1)). Also under AB-1200, new dams, diversions, and reservoirs are prohibited on the McCloud River (from Algoma to the confluence with Huckleberry Creek, and 0.25 mile downstream from the McCloud Dam to the McCloud River Bridge—the latter boundary protecting 5,440 feet of the upper McCloud Arm of a full Shasta Reservoir) and Squaw Valley Creek (the latter an anachronism in the PRC after

the 2022 U.S. Board of Geographic Names' decision to change the name to Yét Atwam Creek[273]) (from the confluence with Cabin Creek to the confluence with the McCloud River), (§ 5093.542(b)),[274] but the McCloud River is not formally designated as part of the System. The legislation also prohibits departments and agencies of the state (for example, special districts and state agencies) from cooperating with federal, state, or local agencies to undertake projects that could adversely affect the free-flowing status or the wild trout fishery of the McCloud (except for participation by the Department of Water Resources in technical and economic studies for the enlargement of Shasta Reservoir (§ 5093.542(c)).[275] State agencies are also directed to use existing powers to protect and enhance the fishery (§ 5093.542(d)) consistent with the existing § 5093.58.[276] Consistent with existing § 5093.61,[277] local governments are to use their powers consistent with the policies and provisions of the CAWSRA. Among the Act policies are that certain rivers are to be protected in their free-flowing state (§ 5093.50).[278]

**1990 –** On February 9, 1990, San Joaquin County files water right application #29657 to appropriate up to 620 cubic feet per second and 197,000 acre-feet per year from the South Fork American River. The diversion would take place either at the Folsom South Canal or the South Fork at or near the proposed Salmon Falls dam upstream of Folsom Reservoir. [279] These waters would not be available to flow down to the state and federal wild & scenic lower American River.

In March 1990, the U.S. Bureau of Land Management finds the Klamath River segments from the J.C. Boyle Powerhouse in Oregon to Copco Lake (Reservoir) in California to be eligible and suitable for designation in the national wild & scenic river system 11 miles are within Oregon; 5.3 miles are within California. The Oregon reach had been added to the Oregon Scenic Waterways System (Oregon's wild and rivers system) in 1988 by a statewide ballot initiative.[280] The California reach is not within the California's state wild & scenic river system.

On January 2, 1990, Oakland Superior Court Judge Richard Hodge rules in *EDF et. al. v. EBMUD et. al*. that the East Bay Municipal Utility District is enjoined from diverting lower American River via the Folsom-South Canal under its federal Reclamation contract during times of low flows. The decision is based on the state's Public Trust Doctrine and California Wild & Scenic Rivers Act.[281] It is not appealed.

May 1, 1990, in the 101st Congress, H.R. 4687 to designate a short segment of the Merced River from Lake McClure Reservoir to the portion of the river designated in 1987, is introduced by Rep. Gary Condit (D-Modesto). The bill would also withdraw the proposed segment and the prior designated recreational and scenic segments of the Merced to mineral entry.[282]

October 27, 1990 – Last scheduled day of the 101st Congress. With agreement on the controversial federal budget imminent, a number of natural resource bills begin to

move. The language of H.R. 4687, a bill to designate an additional 8 miles of the Merced national wild & scenic river is amended to recover the ½ mile previously removed by the Senate Energy Committee and placed in a Clarks Fork W&S river bill[283] supported by Senator Malcomb Wallop (R-Wyoming and ranking member of the Senate Public Lands Subcommittee of the Energy and Natural Resources Committee). Since the Clarks Fork language had been incorporated in an omnibus public lands bill already passed by the House, the House stripped all but the Merced language from the Clarks Fork bill and sent the "clean" Merced bill back to the Senate for concurrence as a Merced River wild & scenic river bill. In the closing minutes of the session, the Senate inadvertently passes the bill originally reported by the Committee instead of the language passed by the Senate and the House earlier in the day. No one notices the mistake, but it is too late anyway — since the House had already adjourned *sine die*. In spite of the agreement among the bill's authors (California U.S. Senators Cranston and Wilson and Representative Gary Condit) and the House and Senate, the bill dies in this session of Congress.

On November 16, 1990, President George Herbert Walker Bush signs S. 2566. The measure was passed in the 101st Congress lame duck session. Taking advantage of Senator McCain's bill to rename the Sunset Crater National Monument to the Sunset Crater Volcanic National Monument,[284] the measure redesignates the Smith River system §2(a)(ii) segments upstream of the National Forest boundary as §3(a) national wild & scenic rivers (S. 2566, 101st Congress, John McCain, R-Arizona),[285] and a National Recreation Area (NRA) of the national forest lands is created.[286] The Smith River tributary Hardscrabble Creek, not a §2(a)(ii) river, was added as a §3(a) designated river.[287] The §3(d) wild & scenic river management plan is required to be accomplished within plans for accompanying National Recreation Area (NRA).[288] The lands of the NRA are withdrawn from mineral entry.[289] The Smith was one of the original state wild & scenic rivers that was subsequently added to the national system as a §2(a)(ii) wild & scenic river. The federal designations do not change the river's status as a state wild & scenic river. The Smith River and Rowdy Creeks segments outside the exterior boundary of the NRA (the Six Rivers NF) remain §2(a)(ii) rivers. There are special provisions in the California Wild & Scenic Rivers Act concerning mining in the North Fork Smith River watershed. (§ 5093.66). The McCain bill Smith River language had come from Rep. Doug Bosco, D-Occidental, who had been defeated in his reelection bid by Republican Frank Riggs.[290]

**1991** – In December, the U.S. Army Corps of Engineers Sacramento District completes its final environmental impact statement recommending an Auburn dam on the North Fork American River that would periodically Inundate the river's north and middle forks.[291] The proposal was for a flood control dam that could be converted to a water supply dam that although was supported by the Corps it was not supported by the Department of the Army.[292] The flood-control reservoir would be located between the national wild & scenic NF and Reclamation's Folsom Reservoir and the downstream

state and federal wild and scenic river on the American River's mainstem. This proposal put the Corps in competition with the U.S. Bureau of Reclamation. Reclamation's 1965 authorization for a dam at Auburn was and still is in effect, although construction and financing of the dam had run into difficulties.

The Sacramento Metropolitan Water Authority, the American River Authority, and the San Joquin County Flood Control and Water Conservation District agree to cost share Reclamation's American River Water Resources Investigation. The investigation would examine three Auburn dam alternatives and a conjunctive use alternative.[293]

**1992 –** Legislature makes changes to state forestry provisions of the State Act.

On September 23, the U.S. House of Representatives voted 273 to 140 to reject the Corps' Auburn dam proposal. The measure is not taken up by the U.S. Senate.

Congress adds 31.5 miles of Sespe Creek, 33 miles of the Sisquoc River, and 19.5 miles of the Big Sur River. [294] It also adds 49 miles of Piru Creek, 23 miles of the Little Sur River, 16 miles of Matillija Creek, 11 miles of Lopez Creek, and 10.5 miles of the Sespe River as study rivers[295] (H.R. 2566, 102nd Congress, Robert Lagomarsino, R-Ojai). The measure is signed by President George Herbert Walker Bush (R-TX) on June 19, 1992. Congress also adds 11 miles of the Merced River (H.R. 2431, 102nd Congress, Gary Condit, D-Modesto) to the national wild & scenic rivers system[296] along with a mining withdrawal of all the Merced River "scenic" and "recreational" segments from Lake McClure Reservoir to the Yosemite National Park boundary. H.R. 2431 is signed by President Bush on October 23, 1992.[297]

**1993 –** On January 7, Roger Patterson, the Regional Director of the Mid-Pacific Region of the U.S. Bureau of Reclamation, in the course of undertaking its American River Water Resources Investigation that might recommend reauthorization of Reclamation's dam at Auburn on the North Fork of the American River, concurred with a Reclamation National Wild & Scenic Rivers Act §5(d) study and determined that many of the potential reservoir inundation zones on the North and Middle Forks of the American River to be eligible for wild & scenic river designation.[298] This may have been Reclamation's first §5(d) study. The upstream state and federal wild & scenic river designations on the NF American River begin immediately upstream of the Auburn dam authorized by the Congress in 1965.[299]

On April 22, 1993, Oregon Governor Barbara Roberts (D-Oregon) petitions Secretary of the Interior Bruce Babbitt to add the eleven-mile reach of the Klamath River from the J.C. Boyle Powerhouse in Oregon to the California border under §2(a)(ii) of the National Wild and Scenic Rivers Act.[300]

On October 7, Governor Pete Wilson (R-CA) signs AB-653, a measure to amend the State Act to designate Mill, Deer, Antelope, and Big Chico Creeks as potential additions to the System.[301] State studies are initiated. AB-653 also removes the obsolete dam moratorium on the Kings River (AB-653, Sher, D-Palo Alto).[302] (In 1987, large portions of the Kings River upstream of Pine Flat Reservoir had been protected by Congress as national wild & scenic rivers or a special management area (H.R. 799, Richard "Rick" Lehman, D-Fresno.)[303]

**1994** – In February, in response to Oregon Governor Barbara Roberts' petition the NPS releases for public comment a draft Eligibility Report and Environmental Assessment of the Klamath River segment for public review and comment.[304] On August 12, the NPS announced that it had found this segment eligible designation and that the State of Oregon had met the criteria for designation.[305] On September 22, 1994, the Secretary of the Interior adds the eleven-mile reach of the Klamath River immediately upstream of the California/Oregon border to the national wild & scenic rivers system under §2(a)(ii) of the federal act.[306]

**1995** – The National Park Service, U.S. Forest Service, Bureau of Land Management, and the U.S. Fish and Wildlife Service form the Interagency Wild and Scenic Rivers Coordinating Council to improve the administration of wild and scenic rivers.[307] This federal council also can offer help for state wild and scenic river systems.[308]

On July 22, Governor Pete Wilson (R-CA), in response to legislatively mandated studies by the Resources Agency, signs a bill to prohibit dams on Deer and Mill Creeks (tributaries of the Sacramento River), but the creeks are not formally designated (§ 5093.70(a)) (AB-1413, Sher, D-Palo Alto).[309] The provisions are similar to the 1989 McCloud River provisions (§ 5093.542(b)). The code section then containing Mill, Deer, Antelope, and Big Chico Creeks as potential additions to the System is repealed. (AB-1413, Sher, D-Palo Alto).[310]

**1996** – In March 1996, the Sacramento District of the U.S. Army Corps of Engineers publishes a Supplemental Information Report recommending a flood-control dam at Auburn.[311] On June 27, the House Transportation and Infrastructure (Public Works) Committee rejects the second attempt by the Sacramento District[312] (this time the District not supported by the Chief of the Army Corps of Engineers)[313] to authorize a convertible/expandable flood-control dam at Auburn.[314] The dam and ephemeral reservoir was to be located on the NF American River in between the wild & scenic NF segment upstream and Folsom Reservoir and the state and federal wild & scenic river mainstem of the American River downstream.

**1998** – In May the U.S. Bureau of Reclamation completes its Record of Decision for its American River Water Resources Investigation. It concludes that costs of water from the proposed Auburn dam were equivalent to expanded conjunctive use in the American

River watershed. It proposes no federal actions to the disappointment of its non-federal partners.[315]

**1999 –** On October 10, Governor Gray Davis signs a measure passed by the Legislature under the leadership of State Senators Byron Sher and John Burton (D-San Francisco) and Assembly Speaker Antonio Villaraiogsa (D-Los Angeles) to add the South Fork Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport to the state system (§ 5093.54(g)(1)). (SB-496, Sher, D-Palo Alto).[316] The measure had been sponsored by Nevada County.

**2000 –** Sacramento Water Forum Agreement is signed.[317] It established limitation agreements on diversions from the lower American River (within the state system and a §2(a)(ii) national wild & scenic river) and Folsom South Canal for various local water purveyors, in part based on Judge Richard Hodge's ruling in *EDF et. al. v. EBMUD et. al.* Some of these limitations on diversions are later incorporated into water rights permits and EIR mitigation responsibilities.

August 28, the expansion of Shasta Reservoir is identified as one of five surface water storage studies recommended in the CALFED Bay-Delta Program (CALFED) Programmatic Environmental Impact Statement/Report (PEIS/R) and Programmatic Record of Decision (ROD) of August 2000.[318] The 1989 McCloud River amendment to the California Wild & Scenic Rivers Act permits DWR only to participate in technical and economic studies of the proposed reservoir expansion but otherwise makes the raise illegal (§ 5093.542(b)) and cooperation with the planning and construction of the project with Reclamation by departments and agencies of the state (including DWR and special districts such as the Westlands Water District) also illegal § 5093.542(c).

Yuba County Agency begins a CALFED-funded feasibility study for a 10-foot elevation raise of the existing Oroville Dam, already the tallest dam in the United States. Raising the reservoir would require a license from the Federal Energy Regulatory Commission. FERC licensing, however, is precluded by Section 7 of the National Wild & Scenic Rivers Act because such a project would invade the Middle Fork Feather national wild & scenic river.[319] The study does not result in an active effort by Yuba County Water Agency to secure permission to invade the Bald Rock wild river zone of the Middle Fork Feather or the California Department of Water Resources, the latter the dam's owner.

The Trinity River Mainstem Fishery Restoration Environmental Impact Statement/ Environmental Impact Report (Trinity EIS/EIR) is signed by Secretary of the Interior Bruce Babbitt. The resulting program, created by the 1992 Central Valley Project Improvement Act, among other things, increases the flow split between the state and federal wild & scenic Trinity River against the Trinity Dam diversions to the federal Central Valley Project.

**2003 –** In March, *The South Yuba, a Wild and Scenic River Report* by the South Yuba River Citizens League and authored by Tim Palmer and Ann Veleisis is published. The *Report* makes eligibility findings and recommendations on potential addition to the national wild and scenic river system of this state wild & scenic river.[320]

On August 31, 2003, San Joaquin County amends their South Fork American River water right application #29657 to take their diversion at the Freeport diversion facility on the Sacramento River instead of the Folsom South Canal upstream of the designated lower American River. They also reduced their 1990 application diversion amounts down to 350 cfs and 147,000 acre-feet per year. The County would make minor amendments to their application in 2007 and 2014.[321]

On July 23, Governor Gray Davis (D-CA) signs AB-1168, a bill to add short segments of the Albion River (one fourth mile above confluence with Deadman Gulch downstream to the ocean) (§ 5093.54(h)) and Gualala River (confluence with north and south forks to the ocean) (§ 5093.54(i)) to the state system. The measure was passed by the Legislature in response to a scheme to divert large amounts of water for export to Southern California (AB-1168, Berg, D-Eureka).[322]

**2004 –** PacifiCorp, the owner of three dams and powerhouses on the Klamath River in California immediately above the boundaries of the state and federally designated Klamath River wild & scenic river (and the J.C. Boyle dam and powerhouse facilities upstream in Oregon), files to relicense (in part) the four dams with the Federal Energy Regulatory Commission (FERC). Their previous fifty-year license is slated to expire in 2006 and ran on annual licenses until the Klamath Renewal Corporation took over the license for the purpose of removing these dams on June 17, 2021.[323]

On September 16, Governor Arnold Schwarzenegger (R-CA) signs SB-904, an amendment to the State Act to require state agencies to sharpen the use their existing powers to protect the free-flowing character and extraordinary values of designated rivers and to clarify that Special Treatment Areas under the Forest Practices Rules are applied to rivers classified as "recreational" or "scenic" as well as those classified as "wild" (SB-904, Wes Chesbro D-Arcata).[324]

On October 25, 2004, in the 108th Congress, H.R. 2828, The "Water Supply, Reliability, and Environmental Improvement Act," becomes law with the signature of President George W. Bush (R-TX). §103(d)(1)(A)(i)(I) authorizes the CALFED program (which includes the U.S. Department of the Interior) to conduct planning and feasibility studies for the expansion of Shasta Reservoir.[325] The expansion would violate the California Wild & Scenic Rivers Act (§ 5093.542(b)). The State Act, with certain narrow exceptions for the CA Department of Water Resources, also prohibits agencies of the state from

cooperating in the planning and construction of the expansion with the federal government (§ 5093.542(c)).

**2005 –** On October 6, Governor Arnold Schwarzenegger (R-CA) signs AB-1328, a bill to add portions of Cache Creek to the state system (AB-1328, Lois Wolk D-Davis). The designation on Cache Creek is from one-fourth mile below Cache Creek Dam to Camp Haswell. On the North Fork Cache Creek, the designation extends from the Highway 20 bridge to the confluence with the main stem (§ 5093.54(j)(1)). Other special provisions apply.

**2006 –** On October 16, 2006, the Congress adds 19 miles of the Black Butte River and 2 miles of its tributary, Cold Creek, to the national wild & scenic rivers system (H.R. 233, 109th Congress, Mike Thompson, D-St. Helena) with the signature of President George W. Bush (R-TX).[326]

**2007 –** The Federal Energy Regulatory Commission (FERC) issues a final EIS with a preferred alternative of relicensing the Klamath River Hydroelectric Project, including for dams and associated powerhouses among, downstream, and upstream of various Klamath River state and federal wild & scenic river segments.

**2008 –** On December 2, 2008, the State Water Resources Control Board revokes the U.S. Bureau of Reclamation's water rights for the Auburn Dam.[327] As authorized in 1965, the dam and the downstream Folsom-South Canal would have diverted a million acre-feet annually upstream of the state and federally designated lower American River. The dam would have inundated river reaches that Reclamation had found to be eligible for national wild and scenic river status in 1993.[328] The dam remains a federally authorized but unconstructed federal facility that has likely exceeded its authorized cost ceiling.

**2009 –** On October 11, the American River Parkway Plan,[329] the wild & scenic river management plan for the lower American River prepared by Sacramento County, is made law by Governor Arnold Schwarzenegger (R-CA) after being passed by the legislature (AB-889, Jones, D-Sacramento). In addition to being a detailed plan, the plan includes a wild & scenic river corridor that includes the boundaries of adjacent land areas (the parkway) as envisioned in the 1972 State Act and redocuments the river's extraordinary values.[330]

On March 30, 2009, President Barack Obama (D-IL) signs H.R. 146, a bill to add 19.1 miles of the Owens River Headwaters, 21.5 miles of Cottonwood Creek, 26.3 miles of Amargosa River, 7.3 miles of Piru Creek in the eastern Sierra Nevada and Northern San Gabriel Mountains, [331] and 10.2 miles of the North Fork San Jacinto River, 3.5 miles of Fuller Mill Creek, 8.1 miles of Palm Canyon Creek, 9.8 miles of Bautista Creek, in Riverside County,[332] to the national wild & scenic rivers system (H.R. 146, 111th Congress, Rush Holt D-New Jersey).

On April 8, 2009, the U.S. Bureau of Reclamation and the Westlands Water District reach an agreement in principle for the potential cost-sharing of the Shasta Dam and Reservoir expansion project to be located on a portion of the McCloud River protected by the California Wild & Scenic Rivers Act.[333]

**2010 –** On March 5, 2010, PacifiCorp files the Klamath Hydroelectric Settlement Agreement (KHSA) with the Federal Energy Regulatory Commission. Settling parties included the licensee, the states of Oregon and California, federal agencies, some relevant tribes and counties, environmental and fishing groups, and irrigators in Reclamation's Klamath Basin Project. The agreement proposed to seek Congressional authorization to transfer ownership of PacifiCorp's four hydroelectric dams and related facilities around the California/Oregon to a dam-removal entity, probably the Department of the Interior. The Agreement proposed that FERC and state water quality certification agencies would put the relicensing proceeding in abeyance.[334] Congress did not to adopt the legislative provisions envisioned by the Agreement.

On October 19, 2010, the State Water Resources Control Board Division of Water Rights cancels San Joaquin County's Application 29657 to divert water from the Freeport facility on the Sacramento River from the South Fork of the American River (the latter location upstream of the lower American River state and federal national scenic river).[335]

**2011 –** The Freeport Regional Water Facility is completed, an East Bay Municipal Utility District (EBMUD) and Sacramento County diversion project on the Sacramento River below its confluence with the American River. The diversion facility enables EBMUD to take deliveries under its revised Reclamation contract (or other contracts) downstream of the state and federal wild & scenic lower American River. Sacramento County is a partner in the facility.[336] EBMUD takes its first deliveries here in 2014.

On June 10, 2011, the State Water Resources Control Board, on reconsideration, reinstates San Joaquin County's application for a South Fork American River water diversion right (Application 29657).[337]

**2012 –** On June 19, in the 112th Congress, the U.S. House of Representatives passes H.R. 2578 (Denham, R-Modesto), a measure, in part, to de-designate a portion of the Merced national wild and scenic river.[338] The measure was intended to allow the Merced Irrigation District to expand McClure Reservoir onto a protected river reach of the Merced. If enacted into law, it would have been the first time a national wild and scenic river would be de-designated for the purposes of putting a reservoir on it. In 2011 the proposal received the editorial support of the Merced Sun-Star[339] and the *Modesto Bee*,[340] while the Merced's wild & scenic river status was defended by the *Sun-*

*Star* and *Modesto Bee's* sister newspaper the Sacramento Bee.[341] H.R. 2578 was not taken up by the U.S. Senate.

**2013 –** On April 4, 2013, Secretary of the Interior Ken Salazar releases a final EIS adopting a recommended alternative to remove the four KHSA dams and associated powerhouses on the Klamath River near the California/Oregon border (Iron Gate, Copco 1 & 2, and J.C. Boyle).[342] These dams and associated facilities are upstream and among various Klamath River segments in state and federal wild and scenic river systems. The determination under the KHSA is necessary for the Department of the Interior to act as a dam-removal agency or accept transfer of the PacifiCorps dams to the Department.

**2014 –** On February 5, in the 113th Congress, the U.S. House of Representatives passes H.R. 3964 (Valadao, R-Hanford), a measure, in part, to dedesignate a portion of the Merced national wild and scenic river.[343] This provision adopted the earlier de-designation language of H.R. 934 (McClintock, R-Elk Grove).[344] The *Modesto Bee* reiterates its support for the dedesignation and reservoir expansion[345] and suggest that a similar effort be made with the Tuolumne River.[346] H.R. 3964 was not taken up by the U.S. Senate.

On February 20, State Senator Loni Hancock (D-Berkeley) introduces legislation to add portions of the North Fork and main stem Mokelumne River upstream of Pardee Reservoir to the state system. The bill, SB-1199, dies in the Assembly Appropriations Committee after being approved by the California State Senate.[347]

California voters approve Proposition 1, the California Water Bond, in the November 4 general election. Chapter 8 sets aside $2.7 billion in California taxpayer funds for water storage projects.[348] The Act prohibits storage facilities in conflict with the state or federal wild & scenic rivers acts (CA Water Code §79710(e)).[349] The ballot measure had passed the legislature in 2010 and had been moved to the 2012, then the 2014 general election.[350] The ballot measure had been vigorously championed by Governor Edmund G. "Jerry" Brown Jr. (D-CA)[351] during his successful 2014 reelection bid.

On April 23, the U.S. Bureau of Reclamation and the Westlands Water District reach a second agreement in principle for the potential cost-sharing of the Shasta Dam and Reservoir expansion project to be located on a portion of the McCloud River protected by the California Wild & Scenic Rivers Act[352]

In December 2014, the U.S. Bureau of Reclamation (Reclamation) completes its final EIS for raising Shasta Dam.[353] A preferred alternative is selected, an 18.5-foot dam raise resulting in a 20.5-foot higher reservoir. Reclamation concedes that "[t]he impact [of the dam-raise alternatives] will be significant" on the free-flowing characteristics of the McCloud River above current gross pool and periodically when the reservoir is above

the bridge but below gross pool—and "in conflict with the PRC" (Public Resources Code, California Wild and Scenic Rivers Act chapter).[354] There is no recommended alternative for the project.[355]

**2015** – State Assemblyman Frank Bigelow (R-O'Neals) introduces,[356] the Legislature amends and passes,[357] and on October 9 Gov. Edmund G. "Jerry" Brown Jr. (D-CA) signs legislation (AB-142, Bigelow), to add, as potential additions to the state system (i.e., make these river segments "study" rivers), sections of 37 miles of the North Fork and main stem of the Mokelumne River from Salt Springs Dam on the North Fork downstream to a point seventeen feet of vertical elevation upstream of the gross (normal/full) pool of Pardee Reservoir on the main stem, with gaps where PG&E hydroelectric facilities and afterbays and forebays exist on the river and to require the state to study the sections' suitability for designation. The bill provides temporary wild & scenic-comparable protections for the river that would last until the end of 2021 or until the recommendations from the study are implemented, whichever occurs first. There was little formal opposition to the bill after it passed its first committee.

U.S. Representative Lois Capps (D-Santa Barbara), in the 114th Congress, introduces H.R. 1865, the Central Coast Heritage Protection Act.[358] On May 21, California U.S. Senator Barbara Boxer (D-California) introduces a companion measure, S. 1423, the Central Coast Heritage Protection Act.[359] These bills propose to designate portions of Indian, Mono, Matilija, Sespe, and Piru Creeks and the Sisquoc River as national wild & scenic rivers, along with wilderness designations in the Los Padres National Forest and the Bakersfield field office of the Bureau of Land Management. These bills fail to achieve passage and would be introduced in the following Congresses.

In July 2015, Reclamation releases its final feasibility report for the SLWRI (Shasta Reservoir expansion project).[360] It asserts that the National Economic Development (NED) plan (one of the 18.5-foot dam-raise alternatives) is feasible from technical, environmental, economic, and financial perspectives.[361] The SLWRI Feasibility Report reaffirms that the NED dam raise is the preferred plan[362] but has no recommended alternative because of unresolved issues.[363] It also reports that the California Wild & Scenic Rivers Act may "limit the ability of State agencies to review and process permits and related approvals for modifications of Shasta Dam and Reservoir"[364] and that "[f]rom discussions with the State, it is our understanding there has been a determination that the PRC protecting the McCloud River prohibits State participation in the planning or construction of enlarging Shasta Dam other than participating in technical and economic feasibility studies."[365] In both cases, this is an incomplete characterization of the statute, which prohibits construction, state permitting, and cooperation and participation by agencies of the state in the Shasta Dam raise project (§ 5093.542(b) & (c)).

**2016 –** In recognition of the failure of the U.S. Congress to adopt the Klamath Hydroelectric Settlement Agreement (KHSA), the settling parties amend the agreement to propose a FERC license transfer and surrender process to remove the four dams and associated Klamath River facilities previously proposed in 2010 for removal.[366] The dams are upstream and in between state and federal wild & scenic river designated segments of the Klamath River. The removal would be accomplished by a non-federal entity (presently the Klamath River Renewal Corporation).

On December 16, championed by California U.S. Senator Dianne Feinstein over the filibuster of outgoing U.S. Senator Barbara Boxer, the Water Infrastructure Improvements for the Nation Act of 2016[367] (S. 612, 114th Congress, John Cornyn, R-Texas) (WIIN) becomes law with the signature of Barack Obama (D-IL). It is a measure revitalize the dam-building and water supply mission of the U.S. Bureau of Reclamation. Among the projects that would be considered WIIN projects and receive planning or pre-construction engineering and design funds would be the proposed Temperance Flat dam on the San Joaquin River Gorge (recommended by the Bureau of Land Management for national wild & scenic river status[368]) and the proposed Shasta Reservoir expansion onto the McCloud River protected by the California Wild & Scenic Rivers Act. The WIIN requires compliance with state law (WIIN §§ 4007(b)(4),[369] 4007(j),[370] and 4012,[371] also referring to existing federal law. These include Section 8 of the Reclamation Act[372] and Central Valley Improvement Act ((CVPIA) §3406(a) and (b)).[373]

**2017 –** On February 16, A.B. 975 is introduced by State Assemblymember Laura Friedman (D-Glendale). It is a measure to expand and clarify wild & scenic river extraordinary values and re-include the river corridor concept in the state system.[374] The bill meets widespread opposition led by the California Forestry Association, passes the Assembly Natural Resources Committee, but is shelved (moved to the inactive file).[375]

On June 23, U.S. Representative. Judy Chu (D-Monterey Park) introduces the "San Gabriel Mountains Forever Act," H.R. 3039. The bill proposes national wild & scenic for segments of the east, west and north forks of the San Gabriel River and Little Rock Creek near Mt. Williamson and its tributaries.[376] On October 16, Rep. Salud Carbajol (D-Santa Barbara) introduces the Central Coast Heritage Protection Act, H.R. 4072. The bill proposes 159 miles of national wild & scenic rivers within the Los Padres National Forest.[377] On October 16, California U.S. Senator Kamala Harris (D-CA) introduces the companion measure (S. 1959).[378] On August 22, S. 1959 is heard in the Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining.[379] These 115th Congress bills, along with Rep. Huffman's (D-San Rafael) H.R. 6596 (Northwest California Wilderness, Recreation, and Working Forests Act,[380] introduced in 2018, would fail to achieve final passage and would be reintroduced in one form or another in subsequent Congresses.

**2018 –** In January the California Natural Resources Agency publishes a draft wild and scenic river study report[381] for the North Fork and main stem of the Mokelumne River, as required by AB-142 in 2015. It recommends designation and proposes classification for five river segments from 0.5 miles downstream of Salt Springs Dam to a point upstream of Pardee Reservoir (leaving gaps for intervening small dams and small reservoirs and seventeen feet of vertical elevation of river upstream of Pardee Reservoir not recommended for designation). Public hearings are held, and the final study report released in mid-April.[382] With broad support and no formal opposition, the recommendations were taken up in a budget trailer bill, SB 854 §§ 23(k)(1) & 24(p), passed by the Assembly and Senate on June 14 and signed into law by Gov. Edmund G. "Jerry" Brown Jr. (D-CA) on June 27 resulting in PRC § 5093.54(k)(1).[383] As traditional, the measure also repeals the provisions of AB-142, the 2015 study Mokelumne River bill so that dated "potential addition" (study) language no longer clutters the code.[384] The measure also corrected a typographical error in § 5093.546.[385]

AB -2975 (Friedman, D-Glendale) is introduced. It would include in the California wild and scenic river system any national wild and scenic river not already in the California system if Congress de-designates such river or the Congress or the President by statute or executive order weakens the protections in the National Wild and Scenic Rivers Act enjoyed by these rivers from adverse effects of water resources projects.[386] Amendments on the Assembly floor make the Secretarial designation discretionary, applies the statute only to national wild and scenic rivers designated before January 1, 2018, and sunsets such Secretarial designations and the power to do so on December 31, 2025.[387] It is passed out of the State Assembly on May 31 and the California Senate on August 9, 2018. [388] Governor Edmund G. "Jerry" Brown Jr. (D-CA) signs the measure on August 27, 2018 (§ 5093.71).[389]

In January, contrary to provisions[390] of the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN), the Donald J. Trump Administration (45th presidential administration) issued a "Secretarial Determination for Commencement of Construction" regarding the Shasta Dam raise and proposed to sign up cost-sharing partners for the Shasta Dam raise (the raise is illegal under provisions of the California Wild and Scenic Rivers Act) and begin construction in 2019.[391] WIIN projects are required to comply with state and federal law.[392] The Administration does not notify Congress that such construction would be out of compliance with these WIIN provisions, although, as noted earlier in this chronology, the U.S. Bureau of Reclamation's 2015 final EIS determined that the project would be "in conflict" with state law.[393]

On February 20, the Board of Directors of the Westlands Water District "authorize the General Manager or his designee to submit a request to the Secretary of the Interior for the enlargement of Shasta Dam and Reservoir, indicating a willingness to potentially

share the costs of the enlargement."[394] On March 9, the San Luis and Delta Mendota Water Authority (SLDMWA) board of directors authorized staff to send a letter to Reclamation stating the following, in part, "the Water Authority is willing to consider becoming a local partner, entering into an MOU and ultimately a formal agreement for the sharing of costs for the Shasta Dam and Reservoir Enlargement."[395] No formal agreement has been reached as of the date of this memo.

In March, in the 115th Congress, U.S. House of Representatives Majority Leader Kevin McCarthy (R-Bakersfield) attempts to insert a rider[396] in the federal FY 2019 Omnibus Appropriations bill exempting Reclamation from the provisions of the WIIN waiving non-federal cost-sharing requirements for the Shasta Dam raise.[397] California Natural Resources Secretary Laird objects, noting that "the Shasta Dam enlargement project would violate California law due to the adverse impacts that project may have on the McCloud River and its fishery."[398] There are successful objections from the Democratic Congressional leadership.[399] However, the FY 2019 Omnibus Appropriations bill provides Reclamation $20 million in pre-construction design funds (and funds the final EIS for the Temperance Flat Dam on the San Joaquin River Gorge, where the Bureau of Land Management has recommended the river be added to the national wild and scenic rivers system).[400]

On March 22, NRDC, Friends of the River, Defenders of Wildlife, Sierra Club California, Golden Gate Salmon Association, the Bay Institute, the Pacific Coast Association of Fishermen's Associations, and the Institute for Fisheries Research send SLDMWA a letter stating that the "proposed cooperation with the Bureau of Reclamation ('Reclamation') regarding the expansion of Shasta Dam violates California law" and requests the Authority "notify Reclamation that SLDMWA will not cooperate or provide any assistance with Bureau's proposal to raise Shasta Dam."[401]

On April 9, in a Fresno Bee op. ed., the San Luis and Delta-Mendota Authority disputes California Natural Resources Secretary Laird and the conservation and fishery groups' conclusion that the dam raise would violate the California Wild and Scenic Rivers Act.[402] The key members of the Authority are the Westlands Water District and the Santa Clara Valley Water District.

On July 26, U.S. Representative Jared Huffman (D-San Rafael) introduces the Northwest California Wilderness, Recreation, and Working Forests Act, H.R. 6596. The measure would add 480 miles of rivers to the national wild & scenic river system in northwest California.[403] This 115th Congress bill, along with Rep. Judy Chou's H.R. 3039 and Rep. Carbajal's H.R. 4072, fails to achieve final passage and would be reintroduced in subsequent Congresses.

In August, it was learned that Interior reports that they have signed a cost-sharing agreement in principle with the Westlands Water District for the proposed Shasta Dam

raise (they had not, although they had signed two earlier agreements that had expired). Interior also reports that it is actively working with stakeholders to identify cost-sharing partners and alternative sources of funding.

On November 30, 2018, the Westlands Water District becomes the lead agency for its Shasta Dam Raise Project environmental impact report (EIR). It holds a well-attended scoping meeting in December in Redding.[404] In addition to scoping comments by the Winnemem Wintu Tribe and environmental groups[405], state agencies also provided comments to Westlands. For example, the California Department of Fish and Wildlife noted that the project would "convert part of the McCloud River into reservoir habitat, changing the free-flowing condition of the McCloud River. It further stated that "[i]nundation of the McCloud River would result in a significant loss of this river ecosystem to a reservoir ecosystem, resulting in direct and indirect adverse impacts to the current trout fishery in conflict with State law and policy."[406] In its comments, the State Water Resources Control Board's executive officer stated that Westlands is an agency of the state, thus subject to the state law prohibition on assistance in planning with federal, state, or local agencies for impoundment facilities that "could have an adverse effect on the free-flowing condition of the McCloud River or its wild trout fishery."[407] The letter said that EIR lead-agency status is "planning" for the purposes of this part of the California Wild and Scenic Rivers Act. It also stated that preparation of an EIR to support state and local approvals is similarly unlawful, as is sharing EIR or construction costs with others. In summary, the expanded reservoir would convert a free-flowing reach of river to "impounded waters," and Westlands' EIR preparation is thus prohibited by the statutory language. The comment letter also noted the Water Code prohibits the Board from issuing permits or "otherwise" to such projects and highlights that the construction of SDRP requires the Board to provide time extensions on Reclamation's Shasta Dam water rights permits, an action that the Board believes the California Wild & Scenic Rivers Act prohibits.[408]

In December, the Tuolumne River Voluntary Settlement Agreement for the update of the Bay-Delta Water Quality Control Plan was revealed. The agreement with the California Department of Fish and Wildlife, the districts, and the city contained a provision calling for the Modesto and Turlock Irrigation Districts and the City and County of San Francisco to investigate the feasibility of raising Don Pedro Dam 4 to 8 feet for downstream fishery purposes.[409] Such a raise would be accomplished by raising the crest of the emergency spillway, which defines the maximum storage capacity (gross pool) of the dam. FERC cannot legally approve such a raise under section 7 of the National Wild & Scenic Rivers Act for the Tuolumne national wild & scenic river.

**2019 –** On April 10, U.S. Representative Salud Carbajol (D-Santa Barbara) reintroduces the Central Coast Heritage Protection Act, now H.R. 2199. The bill proposes 159 miles of national wild & scenic rivers within the Los Padres National Forest.[410] It passed (was

marked up by) the House Natural Resources Committee on November 20.[411] On the same day, Senator Kamala Harris (D-CA) introduces her companion measure (S. 1111).[412] On April 10, Rep. Judy Chu (D-Monterey Park) reintroduces the now renamed The San Gabriel Mountains Foothills and Rivers Protection Act, H.R. 2215. The bill proposes 45.5 miles of national wild & scenic rivers.[413] On the same day, Senator Harris introduces her companion measure, S. 1109.[414] Also on April 10, Rep. Jared Huffman reintroduces the Northwest California Wilderness, Recreation, and Working Forests Act, H.R. 2250.[415] On the same day, Senator Harris introduces her companion measure, S. 1110.[416] On February 12, 2020, the House of Representatives combined the preceding three California bills and Adam Shiff's Rim of the Valley Corridor Preservation Act (H.R. 1708) in the Protecting America's Wilderness Act (H.R. 2546, Rep. Diana DeGette, D-CO)[417] with other western public lands bills for passage by the House on February 2, 2020. On February 12, Senator Harris introduced the Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act (S. 3288) consolidating the California bills.[418] None of these bills would achieve final passage in the 116th Congress. They all would be reintroduced in one form or another in subsequent Congresses.

On May 13, 2019, in separate lawsuits, the California Attorney General, representing the people of California, and Friends of the River et al. (Friends of the River, Golden Gate Salmon Association, Pacific Coast Fishermen's Association, Institute for Fisheries Resources, Sierra Club, Defenders of Wildlife, and the Natural Resources Defense Council), represented by Earthjustice, file complaints against Westlands.[419] On June 12, 2019, the California Attorney General sought a preliminary injunction against Westlands' continued violations of the California Wild & Scenic Rivers Act, including its preparation of an EIR.[420] On June 20, 2019, the North Coast Rivers Alliance and the San Francisco Bay Crab Boat Owners Association, represented by the law office of Stephen Volker, filed a complaint against Westlands Water District for violation of the California Wild & Scenic Rivers Act, the Public Trust Doctrine, and the Delta Reform Act. On July 29, the Shasta County Superior Court granted a preliminary injunction against the EIR or other project planning actions.[421] Appeals to overturn the injunction fail in the Appellate and State Supreme Courts.[422] On September 30, Westlands announces that it is stopping its EIR,[423] and to get around the injunction, it intends to make its own CAWSRA consistency determination to allow it to resume its litigation-aborted EIR.[424] On November 8, 2019, the parties announced a tentative settlement that would ask the court to forbid Westlands from initiating an EIR, signing a cost-sharing agreement with Reclamation, or acquiring any real property to facilitate the reservoir expansion—to the extent that this would violate the California Wild & Scenic Rivers Act, a matter disputed by Westlands.[425] On November 20, 2019, the court accepted the settlement.[426] Westlands, so far, has not begun its CAWSRA consistency determination. (In litigation and public statements, Westlands had asserted that the reservoir inundation of the CAWSRA-protected McCloud River was consistent with CAWSRA or that this fact was under dispute.[427])

**2019 –** On February 4, 2020, U.S. House of Representatives Minority Leader McCarthy (R-Bakersfield) announces a Secretarial "additional distribution of funding" for FY 2020 of $8 million for pre-construction engineering and design for the Shasta Dam raise.[428]

On March 12, with the signature of President Donald J. Trump (45), Congress adds 7.1 miles of Surprise Canyon Creek, 20 miles of Deep Creek, 13.5 miles of Holcome Creek, and 28.1 miles of the Whitewater River[429] to the national wild & scenic rivers system and adds 3.4 miles to the Amargosa River[430] national wild & scenic river (S. 47, 116th Congress, Lisa Murkowski, R-Alaska – P.L. 116-9).[431]

**2020 –** On February 18, 2020, Secretary of the Interior David Bernhardt announced that Reclamation was making progress daily on the Shasta Dam Reservoir Expansion Project (SDREP) (not mentioning that it would inundate a portion of the McCloud River protected by the CA Wild & Scenic Rivers Act) and to expect an announcement shortly.[432]

On February 19, President Donald J. Trump (45) promised Bakersfield crowds that he would get them "a lot of water, a lot of dam, a lot of everything."[433] He then signed an executive order saying: "To help develop and deliver water supplies in the Central Valley of California, I direct those Secretaries to coordinate efforts to: (a) implement the relevant authorities of subtitle J of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322), which include provisions focused on (1) developing water storage…"[434]

On February 27, the Bureau of Reclamation posted the following on Twitter (now X): "President Trump told us to improve #CAwater reliability. Today we're continuing pre-construction work at Shasta Dam to improve water supplies for farms, family and fish and wildlife. #RaiseShasta, @USBR."[435]

On June 22, 2020, Assistant Secretary of the Interior Timothy Petty requested $15 million in preconstruction design and construction funding for the Shasta Dam Raise and Reservoir Expansion Project in a letter to the chair of the House of Representatives Appropriations Committee.[436]

On August 6, 2020, Reclamation issues a draft supplemental environmental impact statement (DSEIS) for the SLWRI.[437] The purpose of the DSEIS is to provide Reclamation with a Clean Water Act 404(r) exemption from certain state water quality permits and to omit some statements in Chapter 25 of their 2014 SLWRI EIS that the dam raise was in conflict with state law.[438] As part of that latter effort, Reclamation also appeared to adopt an aberrant reading of the California Wild & Scenic Rivers Act that the statute's language protecting the McCloud River did not apply to their proposed Shasta Dam raise.[439]

Reclamation's draft supplemental EIS for the proposed Shasta Dam raise drew comments from the State Water Resources Control Board that the state's wild and scenic rivers act did, indeed, require that state agencies not provide required permits and other approvals for the dam raise project. The Board also reminded Reclamation that the 404(r) exemption sought in the supplemental EIS does not apply to all needed state permits, including a change in Reclamation's CVP water rights permits or state Porter-Cologne Act water quality permits.[440] The California Department of Fish & Game provided some considerable discussion correcting Reclamation's misunderstandings about the "Act" and re-emphasized their conclusion that "[t]he Department finds this project's impacts are in conflict with California Public Resources Code section 5093.542."[441] The California Attorney General's comments also emphasized this conflict. Environmental groups also offered critical comments. They asked for a public update of the 2014–2015-era SLWRI Feasibility Report.[442] Environmental groups also surfaced redacted internal but not final Reclamation documents obtained under the Freedom of Information Act of a 2019 Reclamation analysis that suggested that Shasta Dam required seismic upgrade work that would delay the dam-raise construction start to 2028.[443]

Reclamation announces the completion of the Final Supplemental EIS on November 19, 2020.[444] The Supplemental FEIS did not favorably respond to state agency or environmental group comments.[445]

In December 2020, it was reported that U.S. House of Representatives Minority Leader Kevin McCarthy was seeking to authorize the construction of the Shasta Dam raise and a time extension on the WIIN in the federal FY 2020–21 omnibus appropriations bill.[446] McCarthy's request was not accepted. On December 20, 2020, Reclamation posted a post-omnibus-bill-signing press release complaining that "[d]espite previously approving $20 million, Democratic leaders in Congress blocked $115 million in additional requested funding for this project, one of the smartest and most cost-effective opportunities California has to create additional water storage."[447] Instead, under the omnibus appropriations bill, no pre-construction and construction expenditures from this bill could be made for the Shasta Dam raise project.[448]

On December 16, 2020, the Federal Energy Regulatory Commission issues a notice for application of surrender of license of the four KHSA PacifiCorps dams.[449]

**2021**– Reclamation "transmitted" its Shasta Dam raise supplemental FEIS to the ranking member of the Subcommittee on Water Oceans, and Wildlife of the House Committee on Natural Resources, Rep. Tom McClintock (R-Elk Grove), on January 12, 2021. The transmittal letter notes that "Reclamation determined that it was appropriate and necessary to provide supplemental analysis in order to proceed with the SLWRI under the authority of the Water Infrastructure Improvements for the Nation Act (P.L. 114-322), §4007." The transmittal letter is silent on whether there had been a Secretarial

feasibility determination letter before January 1, 2021, a determination that would be necessary for the project to be undertaken under the authority of the WIIN.[450] (However, a January 28, 2021, Congressional Research Service memo included the project on the list of projects with feasibility determinations.) The Reclamation transmittal letter did not describe how the Secretary's apparent 2018 WIIN "determination for commencement of construction" had been undertaken. (The latter determination had been made contrary to WIIN statutory requirements.)

As of Inauguration Day, no Record of Decision for the 2020 Shasta Dam and Reservoir Expansion Project Supplemental EIS had been signed. The same is true for the 2014 SLWRI EIS.

On February 3, U.S. Representative Judy Chu (D-Monterey Park) reintroduces the San Gabriel Mountains Foothills and Rivers Protection Act, H.R. 693, legislation to protect 45.5 miles of Wild & Scenic Rivers and 31,000 acres of wilderness in the San Gabriel Mountains.[451] On February 5, Rep. Jared Huffman (D-San Rafael) reintroduces the Northwest California Wilderness, Recreation, and Working Forests Act, H.R. 878, with 684.5 miles of wild and scenic rivers.[452] On February 11, Rep. Salud Carbajal (D-Santa Barbara) reintroduces the Central Coast Heritage Protection Act, H.R. 973, legislation to protect 158 miles of Wild & Scenic Rivers and 289,000 acres of wilderness in the Central Coast region.[453] These bills, provisions of which had failed in the previous two Congresses, to add rivers to the national wild & scenic river system are the same as those introduced in the previous Congress. On February 26, 2021, these bills (similar to the previous Congress) are consolidated by Rep. Diana DeGette (D-Colorado) in the "The Protecting America's Wilderness and Public Lands Act," (H.R. 803, introduced on February 4, 2021), and H.R. 803 is passed by the House of Representatives.[454] On May 3, 2021, California U.S. Senator Alex Padilla agrees to introduce companion legislation in the U.S. Senate, the "Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act" (S. 1459) as a U.S. Senate complement to the House bills.[455] On July 14, 2022, in an attempt to find another legislative vehicle likely to achieve final passage, the U.S. House of Representatives also voted to add the House-passed package to the National Defense Authorization Act (NDAA), as they had done in the previous Congress. As it had happened in the previous Congress, this non-germane amendment did not survive final passage of NDAA, nor did any of the California or the adjacent Oregon Smith River bills pass in this (the 117th) Congress.

On February 11, U.S. Representative Peter DeFazio (D-Oregon) introduces the Southwestern Oregon Watershed and Salmon Protection Act of 2021, H.R. 980.[456] The measure, cosponsored by Rep. Jared Huffman (D-San Rafael) withdraws lands in the North Fork Smith watershed in Oregon from mineral entry and disposal under the federal public lands laws. The bill fails to pass in the 117th Congress.

On February 23, 2021, the Federal Energy Regulatory Commission (FERC) issues a four-year renewal of a preliminary permit to GreenGenStorage, LLC, for a pumped-storage project concept between PG&E's Upper or Lower Bear Reservoirs and Salt Springs Reservoir. Salt Springs Reservoir is located upstream of segments of the state-designated North Fork Mokelumne River. The previous preliminary permit was issued in early 2018. Preliminary permits give their recipients priority over subsequent, competing license applications.

On March 9, 2021, San Joaquin County and the City of Stockton informed the Administrative Hearings Office of the State Water Resources Control Board that "[i]t is our intention to further investigate use of the South Folsom Canal as the original and cheaper alternative for taking the American River water right under Application 29657; …."[457] This would be a diversion upstream of a designated state and federal wild and scenic river. This announcement was prompted by the renewed attention to this application because of the pending Administrative Hearing Office hearing on a proposed cancellation of the application. The hearing was held for September 29, 2021. Friends of the River put on a witness and a case in chief arguing that cancellation was required by the California Water Code. The California Sportfishing Protection Alliance was also an active party in the hearing and submitted a closing brief.

On May 4, 2021, Oregon's U.S. Senators Merkley and Wyden introduced S. 1538, the Smith River National Recreation Area Expansion Act, to add 58,000 acres of the North Fork Smith watershed in Oregon to the existing Smith River National Recreation Area (NRA) in California. The bill would also contain 74 miles of new wild & scenic river designations and a mining withdrawal under federal mining law. California's U.S. Senators Feinstein and Padilla are cosponsors. The bill is similar to the measure introduced in the previous Congress that did not pass. The bill cleared the Senate Energy and Natural Resources Committee with bipartisan support on July 21, 2022, but failed to advance further in the 117th Congress.[458]

On April 13, 2021, the environmental group American Rivers placed the McCloud River on its 2021 "ten most endangered rivers list,"[459] calling for the new Department of the Interior to end the project.[460] The FOR *et al.* introductory comments on Reclamation's draft Supplemental Environmental Impact Statement provides advice on how to do this:

> [T]here is sufficient information in the SLWRI FEIS, Final Feasibility Report, the DSEIS, and comments to the DSEIS to conclude that the action alternatives of the SLWRI and synonymous Shasta Dam and Reservoir Expansion Project (SDREP) and Shasta Dam Raise Project (SDRP) are not feasible, in part because (1) California law prevents cost-sharing partners from cooperating and assisting Reclamation with this project, (2) certain required permits will not be available to Reclamation and others, and (3) that the action alternatives are unlawful under

> federal law. Information developed in the SLWRI requires that a non-reservoir expansion alternative be adopted in the project Record of Decision (ROD) as the preferred and recommended alternative for the SLWRI/SDREP—and the SLWRI ended. Information developed in the SLWRI (or information that should have been developed) does not support adoption of the dam-raise (action) alternatives.[461]

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA), HR 3684, 117th Congress, the 2021 bipartisan infrastructure bill was signed by the President (P.L. 117-58). Title IX (Western Water Infrastructure) continues many Western water project features of the WIIN but prohibits construction funding for the expansion of Shasta Reservoir, [462] a project that would inundate a portion of the McCloud River protected by the California Wild & Scenic Rivers Act. The IIJA appears to allow for federal Shasta Dam raise feasibility studies. Authorization of IIJA Title IX appropriations expires at the end of the 2026 federal fiscal year (§40901).[463]

**2022 –** On March 23, in the 117th Congress, U.S Representative Jared Huffman introduces the Smith River National Recreation Area Expansion Act, H.R. 7329,[464] a companion measure to S. 1538,[465] Oregon U.S. Senator Merkley's and Wyden's Smith River watershed national recreation area expansion bill and to add Oregon components of the Smith River to the national wild & scenic river system.

On May 27, the State Water Resources Control Board Administrative Hearings Office forwards to the Board its proposed order cancelling Application #29657 to divert South Fork American River water to San Joaquin County.[466] On July 19, 2022, the State Water Resources Control Board cancels the Application #29657.[467]

On June 7, GreenGenStorage submits its Pre-Application Document (PAD) to FERC for its proposed pumped storage project upstream of the Mokelumne River state wild and scenic river.

On August 16, U.S. Representative Kevin McCarthy (R-Bakersfield) and the California Republican Congressional delegation sent a letter to California Governor Gavin Newsom asking him to do the following: (1) reconsider its opposition to the Shasta Dam enlargement project, (2) allow local water districts to partner with the U.S. Bureau of Reclamation to advance the project, and (3) work with the Legislature to amend state law if necessary to make sure the project can be advanced as quickly as possible.[468] The California Wild & Scenic Rivers Act prohibits state and local water district involvement in the planning and construction of the expansion of the Shasta Reservoir.

On August 26, the Federal Energy Regulatory Commission (FERC) released its final EIS with a preferred alternative of the removal of the Iron Gate, Copco #1 and #2, and J.C. Boyle Dams.[469] On November 17, FERC issued a License Surrender Order for the Lower

Klamath River Hydroelectric Project.[470] This clears the last major hurdle necessary to implement the world's largest river restoration project—removal of the lower four Klamath River dams. With this order in place, the Klamath River Renewal Corporation, the non-profit entity created to oversee Klamath River dam removal and related restoration activities, and the States of Oregon and California can accept transfer of the Lower Klamath Project License from energy company PacifiCorp and start the dam removal process. These dams and their associated reservoirs are either upstream or intermingled with the state and federal wild & scenic river Klamath River segments in California or Oregon.

**2023** – On January 9, 2023, in the opening days of the 118th Congress, U.S. Representative David Valadao (R-Hanford) introduced H.R. 215, the Working to Advance Tangible and Effective Reforms (WATER) for California Act (the WATER for California Act).[471] The measure was co-sponsored by then Speaker of the House Kevin McCarthy (R-Bakersfield) along with the members of the California Republican delegation to the U.S. House of Representatives.[472] H.R. 215 would amend WIIN §4007(a)(1) to allow the Secretary of the Interior at the request of any stakeholder (instead of just public agencies) "to negotiate and enter into an agreement on behalf of the United States for the design, study, and construction or expansion of any federally owned storage project in accordance with this section. (H.R. 215 §304(a)(1))[473] The California Wild & Scenic Rivers Act has prohibited California public agencies (the broadly defined agencies of the state) from assisting with the SDREP since 1989. (§ 5093.542(c)) Private citizens, and California public and federal agencies, have been prohibited from sponsoring or co-sponsoring the construction of the SDREP also since 1989. (CA Public Resources Code §5093.542(b)) H.R. 215 §305(a) would, apparently without the previous restrictions, make available unspent WIIN Act appropriations from 2017–2021 to Reclamation's Water and Related Resources Account.[474] These appropriations bills prohibited construction funding for Reclamation's Shasta Dam and Reservoir Expansion Act (SDREP). In addition, H.R. 215 §301 amends the IIJA to allow for Congressional appropriations for the construction of Shasta Dam under the IIJA.[475] The IIJA also prohibited construction funding for the SDREP. H.R. 215 §305(b) purports to override (for CVP contractors) the California Wild & Scenic Rivers Act provisions (CA PRC § 5093.542(c)) that prevent public agencies (including irrigation districts) of California from assisting Reclamation in the planning and construction of the SDREP.[476] H.R. 215 drew considerable opposition.[477] H.R. 215 was passed (marked up) by the House Natural Resources Committee on April 28, 2023.[478] It has not been taken up by the U.S. Senate.

In June, 2023, the House Energy and Water Development and Related Agencies Subcommittee of the Appropriations Committee added the text of H.R. 215 to its markup of the Energy and Water Appropriations bill (see page 64, Title V "Water for California" Sec. 501),[479] loosening the restrictions on Shasta Reservoir expansion construction funding[480] and federally preempting a portion of the McCloud River

protections in the California Wild & Scenic Rivers Act.[481] On October 3, the Administration threatened to veto the House Energy & Water Appropriations bill, noting its opposition to ending the IIJA prohibition on construction funding for the Shasta Dam & Reservoir Expansion Project.[482] On October 26, the U.S. House of Representatives passed H.R. 4394, the "Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2024." H.R. 4394 included H.R. 215.[483]

On January 31, 2023, in the 118th Congress, Oregon U.S. Senator Merkley, with Oregon U.S. Senator Wyden and California U.S. Senators Feinstein, and Padilla as co-sponsors, reintroduce the Smith River National Recreation Area Expansion Act, S. 162, a measure to expand national wild & scenic river and NRA coverage of the Smith River into the state of Oregon. The bill was reported out of Committee (marked up) on May 17.[484]

On April 10, U.S. Representative Carbajal (D-Santa Barbara) reintroduced his Central Coast Heritage Protection Act, H.R. 2545.[485] On May 10, Rep. Judy Chu (D-Monterey Park) reintroduced her now renamed once again San Gabriel Mountains Protection Act, H.R. 3681.[486] On May 24, Rep. Jared Huffman (D-San Rafael) reintroduced the Northwest California Wilderness, Recreation, and Working Forests Act, H.R. 3700.[487] On May 31, U.S. Senator Alex Padilla (D-CA) reintroduced his now renamed Public Lands Act, S. 1776, including the provisions of the three House bills.[488] These House lands and national wild & scenic river bills failed to achieve passage the previous three Congresses. Senator Padilla's bill failed to pass the U.S. Senate in the previous Congress, as had Kamala Harris's bills in the previous two Congresses.

On July 27, U.S. Representative. Val Hoyle (D-Oregon) introduces the Southwestern Oregon Watershed and Salmon Protection Act of 2023, H.R. 5004. The measure, cosponsored by Rep. Jared Huffman (D-San Rafael) withdraws lands in the North Fork Smith watershed in Oregon from mineral entry and disposal under the federal public lands laws.[489] This bill had been introduced by Rep. Peter DeFazio (D-Oregon) in the previous Congress.

On December 5, Representatives Val Hoyle (D-Oregon) and Jared Huffman (D-San Rafael) introduce the H.R. 6595, Smith River National Recreation Area Expansion Act, a companion measure to U.S. Senator Merkley's Senate bill, S. 162, to, in part, add 74 miles of national wild & scenic rivers in the North Fork Smith River drainage in Oregon.[490]

**2024 –** The first session of the 118th Congress was unable to pass the Energy & Water Appropriations bill. It instead relied on continuing resolutions to begin the federal 2024 fiscal year, which began on October 1, 2023. On March 8, 2024, the second session of the 118th Congress passed the Consolidated Appropriations Act of 2024.[491] This "minibus," contained six appropriations bills, including an Energy & Water appropriations package that did not include McCloud River CAWSRA preemption provisions of H.R. 4394 or H.R. 215. Relying once again on a continuing resolution,[492] the second session of

the 118th Congress did not pass its 2025 fiscal year appropriations bills before the 2024 November general election, leaving that task and other potentially controversial bills to the post-election lame-duck session in November and December. The result was a continuing resolution

On September 6, the House Water, Wildlife, and Fisheries Subcommittee of the House Natural Resources Committee held a field hearing in Santa Nella, California.[493] Among the subjects discussed was Rep. John Duarte's (R-Modesto) idea to extend the Folsom-South Canal from its present terminus at the closed nuclear power plant in Sacramento County to the Stanislaus River or the state and federal pumps. The point of diversion would be just upstream of the state and federally designated lower American River.[494] The extension had stopped fifty years earlier because of an incompletely resolved lawsuit against the extension of the canal (and the Auburn dam).[495] The extension of the canal to outside the watershed is contrary to the wild & scenic river management plan for the lower American River.[496] In the last U.S. House of Representatives race to be decided in the November 2024 general election, Democratic challenger Adam Gray narrowly defeated Rep. Duarte.[497] In the California legislature and on the campaign trail, Gray has been relatively indistinguishable from California Republican members of Congress on water issues.

The three California wild & scenic river bills did not pass. Two of their direct predecessors, one in southern California, the other in the north state, had first been introduced in the 115th Congress,[498] their failures in the 118th Congress representing four consecutive failures. An early predecessor version of the Central Coast bill had first been introduced in the House and Senate in the 114th Congress,[499] its 5th consecutive failure.

The various Oregon Smith River bills did not pass, the second of two Congresses that had failed to advance the bills to the President.

The incoming 119th Congress would have Republican majorities in the House and Senate and Donald J. Trump as President.

On December 2, 2025, for the 2025–2026 session, CA Assemblyman Nick Shultz (D-Burbank) introduced AB-43, a bill to remove the sunset clauses of § 5093.71 of the CAWSRA.[500] This provision of law was created in 2018 (AB-2572, Friedman D-Glendale) and empowered the CA Natural Resources Agency Secretary to administratively add national wild and scenic rivers threatened by Congressional actions or Presidential executive orders to the CA wild & scenic river system.[501] The bill received a generally positive staff analysis listing 51 organizations in support of the bill.[502] On March 24, 2025, AB-43 passed the Assembly Natural Resources Committee and was referred to the Assembly Appropriations Committee.[503]

**2025 –** On Inauguration Day, January 20, 2005, President Trump signed a Presidential Memorandum "Putting People over Fish: Stopping Radical Environmentalism to Provide Water to Southern California" "to route more water from the Sacramento-San Joaquin Delta to other parts of the state for use by the people there who desperately need a reliable water supply."[504] Four days later, President Trump signed an executive order directing "[t]he Secretary of the Interior…[to] utilize his discretion to operate the CVP to deliver more water and produce additional hydropower, including by increasing storage and conveyance…to high-need communities, notwithstanding any contrary State or local law…. He also directed the Secretaries of the Interior & Commerce that…"[w]ithin 30 days from the date of this order, each designated official shall identify any regulatory hurdles that unduly burden each respective water project, identify any recent changes in state or Federal law that may impact such projects from a regulatory perspective…and shall develop a proposed plan, for review by the Secretaries, to appropriately suspend, revise, or rescind any regulations or procedures that unduly burden such projects and are not necessary to protect the public interest or otherwise comply with the law."[505]The Secretaries are expected to recommend signing the Record of Decision for Reclamation's Shasta Dam and Reservoir Expansion Project (SDREP) supplemental environmental impact statement, recommending that construction funding be included in the federal appropriations bills, and recommending that federal statutes to preempt the California Wild & Scenic Rivers Act be introduced and enacted.

On January 24, in an example of confused messaging, President Trump visited the Los Angeles area and repeated his ill-informed pronouncements that the recent L.A. fires stemmed from lack of water deliveries to Southern California. He added this surreal description of where California's water comes from:

> But we have a lotta water that is available…You're talking about unlimited water coming up from the Pacific Northwest, even coming up from parts of Canada. And it pours down naturally, it has for a million years, for a million years, it pours down, you'll never run out, you'll never have shortages…
>
> You know you don't even need reservoirs with the water coming down. You don't need the reservoir. You have so much water, you don't need it. You only have the reservoirs because you tried to hold the water. But you have natural water coming down, along the coast. It's, for a million years it's been coming. You know that, right?[506]

The stunned various public officials could not summon the courage to provide a Presidential briefing on basic U.S. geography.

## Endnotes

[1] This memo, although initially prepared by Steve Evans and subsequently expanded by Ronald Stork, relied on files in Friends of the River's libraries, outside research, some Internet sleuthing, and the memories and files of many others. A partial list of contributors include the following: Jerry Meral, Bill Kier, Andrew Franklin, Evelyn Taylor (the archivist for the Robert J. and Norma Lagomarsino Archive at California State University Channel Islands), Tim Palmer, Jim Huddlestun (NPS), John Amodio, Anne Sanger and U.S. Rep. Doris Matsui, Richard May (Cal Trout), Bill Press (State Senator Peter Behr staff), Justice Ronald Robie (DWR), Kip Lipper, Jeff Shellito, Dave Weiman, Barbara Talley McDonell, Grant Werschkull, Patty McCleary, Mark Dubois, Phil Horning (USFS), Jim Eicher (BLM), Jackie Dietrich (USFS), Kirsten Heins (BLM), Katherine Evatt, Phil Dunn, Patricia Schifferle, John Moore, Clyde Macdonald, John Haubert (NPS), Jonas Minton, Steve Macauley, Glen Martin, Jim Jones, Gary Estes, Tim Woodall, Jim Ricker, Craig Tucker, Kelly Catlett, and Chuck Watson. Breanna Ruvalcaba prepared and built the initial references as the "referenced" memo took shape in late 2023 and 2024. The referenced memo (although still under construction) was first shared in September 2024.

[2] § 5093.51. "This chapter shall be known as the California Wild and Scenic Rivers Act." (Public Resources Code §§ 5093.50–5093.71.)

[3] During the first ten years of the Act, § 5093.52(c) read, " 'River' means the water, bed, and shoreline of rivers, streams, channels, lakes, bays, estuaries, marshes, wetlands and lagoons." Friends of the River files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf"). The 1982 amendment sharpened the definition of river, but in the modern CAWSRA context, not materially. Friends of the River files; ("WS CAWSRA 1982 Digest and leg enrolled text.pdf").

[4] "Immediate environments" was undefined in the first ten years of the Act. Ibid., (pdf).

[5] During the first ten years of the Act, classification was by the Secretary of the Resources Agency. (1972 Act § 5093.58(c)) Ibid., (pdf).

[6] There were no classifications in statute during the first ten years of the Act. (1972 Act § 5093.54) Ibid., (pdf).

[7] http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_0101-0150/ab_142_bill_20151009_chaptered.html.

[8] Ibid.

[9] SB 854 §§ 25, 26. (Mokelumne wild & scenic river designation bill. (https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180SB854

[10] The 1982 amendments were contained in two bills: (1) the most important was AB-1349. Friends of the River files; ("WS CAWSRA 1982 Digest and leg enrolled text.pdf") and (2) AB-2214. Friends of the River does not have a copy of AB-2214, but it does have the following summary from the California Department of Water Resources: "AB-2214(Bosco). Wild and scenic rivers: Smith River tributaries. (Stats. of 1982, Chapter 14). This statute excludes Hardscrabble Creek and all of its tributaries from the California Wild and Scenic Rivers System, these streams are part of the Smith River system. This bill classifies Copper Creek and its tributaries (also part of the Smith River system) as recreational, and prohibits any mining activity which would result in a significant adverse effect to the scenic, recreational, fishery or wildlife values within one quarter mile of the north fork of the Smith River." Friends of the River files; ("legsum8182_1 (ocr).pdf").

[11] "SEC. 19. In enacting the provisions of this act, the Legislature intend to expedite and improve the efficient, administration and enforcement of the provisions of the California Wild and Scenic Rivers Act while reserving its existing control and supervision of how these rivers are to be managed and not to affect in any way (l) litigation involving the actin. of the Secretary of the Interior on January 19, 1981, approving designation of certain California rivers as components of the national Wild and Scenic Rivers System, nor (2) any, reconsideration by the Secretary of the Interior of the Governor's application for

designation by letter dated July 18, 1980. Friends of the River files; ("WS CAWSRA 1982 Digest and leg enrolled text.pdf).
[12] Friends of the River Files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf"). (Repeal of management plan mandate)
[13] Ibid., (pdf). (Repeal of "Adjacent land areas" that had been the focus of 1970's-era agency wild & scenic river management plans)
[14] Ibid., (pdf).(Repeal of Resources Agency administration of the system)
[15] Ibid., (pdf).(Repeal of direction to the Resources Agency to cooperate with water pollution control agencies to reduce water pollution in the state wild & scenic river system)
[16] Ibid., (pdf).(Watershed-level Smith River tributary designation in original CAWSRA)
[17] Ibid., (pdf).( Unnamed Smith River tributaries dedesignated)
[18] The study provisions of the Act were added in AB-1301 §2. Friends of the River files; ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").
[19] AB-1301 §5 eliminated the Eel River study authorizations by including an alternate CAWSRA §5093.56 that did not include the Eel River authorizations. The elimination was, in part, made possible and likely motivated by a report to the legislature by DWR Director Dave Kennedy that the Eel River supply would not be needed by the State Water Project for some time (citation needed). Friends of the River files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf") and ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").
[20] The Eel River study authorizations, focus of anti-coordination with w&s river adverse projects, and expansion of these provisions to study rivers are contained in AB-1301 § 5. Friends of the River files; ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf"). Here is the contrasting anti-coordination language: "…no department or agency of the state shall assist or cooperate, whether by loan, grant, license, or otherwise, with any department or agency of the federal, state, or local government, in the planning or construction of any project that could have an adverse effect on the free-flowing, natural condition of the rivers included in the system." Friends of the River Files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf"). This original broader language was modeled after the National Wild & Scenic Rivers Act. The amended language confined the prohibition to dams, reservoirs, and diversions: "No department or agency of the state shall assist or cooperate, whether by loan, grant, license, or otherwise, with any department or agency of the federal; state, or local government, in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition and natural character of (1) the river and segments thereof designated in Section 5093.54 as included in the system, and (2) the rivers and segments thereof designated in Section 5093.548 for study by the secretary as potential additions to, the system until January 1, 1990." (1986 amendment language), Friends of the River files; ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf"). The study protection requirement subsequently lapsed and was removed.
[21] § 5093.56, "…and (2) the rivers and segments thereof designated in Section 5093.548 for study by the secretary as potential additions to, the system until January 1, 1990." Ibid. The generic study protection requirement lapsed under its own terms and was removed in subsequent legislation.
[22] The E. Carson/W. Walker River and McCloud River studies are in the files of Friends of the River; ("Carson Walker McCloud CAWSR Study 1986.pdf") and ("921_Jones and Stokes_McCloud WSR_Vol 1 (1988) ocr.pdf").
[23] The CASWRA study provision and direction to study the E. Carson/W. Walker and McCloud Rivers were in AB-3101 §§ 2 & 3. Friends of the River files (AB-1301); ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").
[24] The concurrence with the study recommendations letter by Resources Secretary Van Vleck is in Friends of the River files; ("M1447_accn 2004-317_C13_f1_Report; Resources Agency of California.pdf").
[25] The Carson and West Walker River designation language is found in AB-1200 §1(f). Friends of the River files; ("CAWSRA Statutes of 1989 (ocr).pdf").

[26] The McCloud River protection language is found in AB-1200 §2. Friends of the River files; ("CAWSRA Statutes of 1989 (ocr).pdf").
[27] The Deer and Mill Creek study language is found in AB-653 §2. Friends of the River files (AB-653); ("CAWSRA Statutes of 1993 Text and Digest (ocr).pdf").
[28] Friends of the River files; (AB-1413) ("ab_1413_bill_950724_chaptered.pdf").
[29] Friends of the River files; (SB-904) ("sb_904_bill_20040916_chaptered.pdf").
[30] § 5093.55, "Other than temporary flood storage facilities permitted pursuant to Section 5093.57, no dam, reservoir, diversion, or other water impoundment facility may be constructed on any river and segment thereof designated in Section 5093.54;…"
[31] § 5093.67, "In order to enhance the recreational qualities of rivers where temporary summer recreational dams have been constructed in the past to improve water oriented recreational opportunities for the public, the secretary may authorize the emplacement of temporary impoundments for recreational purposes on portions of rivers included in the system which are classified as recreational, if the secretary finds all of the following:
(a) There has been a history of impoundments at the location for recreational purposes.
(b) The impoundment will not cause an adverse effect on the fishery values of the river.
(c) The impoundment will be removed before it would interfere with anadromous fisheries.
(d) The impoundment will improve the recreational opportunities for the public.
(e) The impoundment will not adversely affect navigation, scenic qualities, and public access.
[32] § 5093.55, "…nor may a water diversion facility be constructed on the river and segment unless and until the secretary determines that the facility is needed to supply domestic water to the residents of the county or counties through which the river and segment flows, and unless and until the secretary determines that the facility will not adversely affect the free-flowing condition and natural character of the river and segment.
[33] § 5093.42 (d) "Except for the maintenance of existing flood control facilities and projects by public agencies or private landowners or emergency flood control activities or repairs required due to acts of God, provided that those activities or projects do not interfere with the passage of migrating anadromous fish, no state agency shall assist or cooperate with, whether by loan, grant, license, or otherwise, any agency of the federal, state, or local government in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing conditions of Mill Creek and Deer Creek, or on their wild runs of spring-run chinook salmon."
[34] § 5093.42, "(c) Except for participation by the Department of Water Resources in studies involving the technical and economic feasibility of enlargement of Shasta Dam, no department or agency of the state shall assist or cooperate with, whether by loan, grant, license, or otherwise, any agency of the federal, state, or local government in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery.
[35] § 5093.61. "All departments and agencies of the state shall exercise their powers granted under any other provision of law in a manner that protects the free-flowing state of each component of the system and the extraordinary values for which each component was included in the system. All local government agencies shall exercise their powers granted under any other provision of law in a manner consistent with the policy and provisions of this chapter."
[36] For the SWRCB policy on fully appropriated streams and state and federal wild and scenic rivers, see https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/1998/wro98-08.pdf.
[37] https://www.waterboards.ca.gov/waterrights/water_issues/programs/fully_appropriated_streams/.
[38] AB-889, adopting the *American River Parkway Plan*, can be found at the following: http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0851-0900/ab_889_bill_20091011_chaptered.html. §§ 4–6 are the relevant sections. *American River Parkway Plan*, County of Sacramento Municipal Services

Agency Planning and Community Development Department, Wild & Scenic River section, pp. 87–90 or 88–92. (They differ in the 2006 and 2008 print runs.) (https://regionalparks.saccounty.gov/Parks/Documents/Parks/ARPP06-092617_sm.pdf). The 2008 Plan adopted by the legislature is here: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/FOTR/for_22.pdf. Friends of the River files have the 2008 CAWSRA excerpt; ("ARPP08 WSRA elements.pdf," pp. 89–92).

[39] Friends of the River files (SB-904); ("sb_904_bill_20040916_chaptered.pdf").

[40] AB-1301 § 10, (Classification and management provisions repealed). Friends of the River files (AB-1301); ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").

[41] AB-1301 § 12, (Management plan consultive provisions repealed). Friends of the River files (AB-1301); Ibid., (pdf).

[42] AB 1301 § 13, (Management plan consultive provisions repealed). Friends of the River files (AB 1301); Ibid., (pdf).

[43] The Resources Agency CAWSRA management plans are in the libraries of Friends of the River and Steven L. Evans.

[44] Friends of the River files; (See discussion in *North Fork American River Waterway Management Plan*, p. 7) and (§ 5093.58(c) in 1972 Act ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf").

[45] The 2006/2008 *American River Parkway Plan* portrayed some of the planning history of the lower American River. For the early linkage between the plans and the CAWSRA, see the following excerpt starting with the first post-designation (1975 and 1976) local plans and the 1977 Resources Agency plan:

> In his transmittal letter to the Governor, the Secretary of Resources noted that this [1977] management plan was "the second in a series of plans being developed for California's Wild and Scenic Rivers." He then further noted: "The basic thrust of the lower American River plan is to give State support and concurrence in the plans which have been adopted and are being implemented by the City and County of Sacramento. The plans by the City and County provided the basis for the State's plan and have been made an integral part of the State's plan."

The 1975/76 parkway plans were updated in December 1985, noting the 1972 state designation and the subsequent 1982 federal designation. (*American River Parkway Plan*, Sacramento County Planning and Community Development Department, December 1985, p. 4-1. This plan also briefly described the pre-designation history of Parkway planning (pp. 1-2, 1-12.) https://www.cityofsacramento.gov/content/dam/portal/pw/Engineering/Two-River-Trails/1985-ARPP.pdf.

[46] "The locally adopted Plan is then submitted to the State legislature for adoption through the *Urban American River Parkway Preservation Act,* Public Resources Code §5840." The 2008 *American River Parkway Plan*, p. 1-9. For a copy of the 2008 *American River Parkway Plan*, see the following: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/FOTR/for_22.pdf. This plan was adopted as law on October 11, 2009: http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0851-0900/ab_889_bill_20091011_chaptered.html, §§ 4–6.

[47] See *American River Parkway Plan*, County of Sacramento Municipal Services Agency Planning and Community Development Department, Wild & Scenic River section, pp. 87–90 or 88–92 (depending on version). https://regionalparks.saccounty.gov/Parks/Documents/Parks/ARPP06-092617_sm.pdf. (2006 Plan). https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/FOTR/for_22.pdf. (2008 Plan).

[48] AB-889 SEC. 6. "Section 5842 of the Public Resources Code is amended to read: 5842. (a) The Legislature hereby adopts the American River Parkway Plan so as to provide coordination with local agencies in the protection and management of the diverse and valuable natural land, water, native wildlife, and vegetation of the American River Parkway." http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0851-0900/ab_889_bill_20091011_chaptered.html.
[49] https://www.rivers.gov/sites/rivers/files/2023-07/section-7.pdf. (WSRA water resources project provisions).
[50] The California-focused federal interagency agreement on §7 determinations is in Friends of the River files; ("W&SR_MOU_2.doc"),
[51] See *American River Parkway Plan*, Wild & Scenic River section, p. 4-91 for the intent to provide guidance for federal managers in their administration of the river. The Wild & Scenic River section is excerpted in Friends of the River files; ("ARPP08 WSRA elements.pdf" p. 4-91).
[52] S. 2566 - Smith River National Recreation Area Act, John McCain (R-Arizona). Public Law 101-612. https://www.rivers.gov/rivers/rivers/sites/rivers/files/2022-10/Public%20Law%20101-612.pdf. Much of the Smith River is the second WSRA 2(a)(ii) river in California for which a later WSRA 3(a) designation was applied. See the 1978 WSRA Congressional designation for a good part of the North Fork of the American River. (S. 791, 95th Congress, Frank Church, D Idaho, National Parks and Recreation Act of 1978) (https://www.congress.gov/bill/95th-congress/senate-bill/791).
[53] https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-07/boundaries.pdf. "Establishment of Wild & Scenic River Boundaries," Technical Papers, Interagency Wild & Scenic Rivers Coordinating Council.
[54] The California wild & scenic river system for ten years was being proposed for administration by the Resources Agency with defined wild & scenic river corridor boundaries. See the 1977–1990 Waterway Protection Plans developed by the Resources Agency and its Department of Fish & Game (most, perhaps all, never adopted by the legislature). The authority for the Resources Agency to establish corridor boundaries was was contained in the 1972 California Wild & Scenic Rivers Act § 5093.58, which read: "The secretary shall do all of the following: (a) Determine which of the classes described in Section 5093.53 best fit each segment of the rivers included in the system. (b) Prepare a management plan to administer the rivers and their adjacent land areas in accordance with such classification. ( c) Submit such management plan to the Legislature for its approval." Friends of the River files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf"). This section was repealed in 1982 and is now used for other purposes.
[55] The lower American River wild & scenic river boundaries were adopted by the legislature in AB-889, when it adopted the *American River Parkway Plan*. http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0851-0900/ab_889_bill_20091011_chaptered.html. §§ 4–6 are the relevant sections. For the lower American River boundaries, see the *American River Parkway Plan*, County of Sacramento Municipal Services Agency Planning and Community Development Department, Wild & Scenic River section, pp. 87–90 or 88–92. (They differ in the 2006 and 2008 print runs.) (https://regionalparks.saccounty.gov/Parks/Documents/Parks/ARPP06-092617_sm.pdf). The 2008 Plan adopted by the legislature is here: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/FOTR/for_22.pdf. Friends of the River files have the 2008 CAWSRA excerpt; ("ARPP08 WSRA elements.pdf," pp. 89–92).
[56] https://caltrout.org/projects/eel-river-dams-decommissioning-potter-valley-project.
[57] Friends of the River files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf").
[58] Friends of the River files (AB 1301 §4); ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").
[59] "Evaluation Report on the Eligibility of Five California Rivers for Inclusion in the National Wild & Scenic River System," Heritage and Recreation Conservation Service, Pacific Southwest Region, 1980, p. I-6. Friends of the River files; ("CA 2aii Eligibility Report.pdf").

[60] Federal Register, Vol. 46, No. 15, p. 7484, Friday, January 23, 1981. Friends of the River files; ("North Coast Rivers FedReg Notice 1981.pdf")
[61] https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-07/boundaries.pdf. "Establishment of Wild & Scenic River Boundaries," Technical Papers, Interagency Wild & Scenic Rivers Coordinating Council.
[62] H.R. 2431 (Rep. Gary Condit, D-Modesto) P.L. 102-432.
https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%20102-432.pdf. (Merced River 1992 designation and mining withdrawal.)
[63] https://crsreports.congress.gov/product/pdf/R/R42614/19. (Brief description of the National Wild & Scenic Rivers Act by the Congressional Research Service).
[64] https://www.everycrsreport.com/reports/R41081.html. ("The Wild and Scenic Rivers Act (WSRA): Protections, Federal Water Rights, and Development Restrictions").
[65] https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-01/wsr-act-evolution.pdf.
[66] https://www.rivers.gov/apps/council (Interagency Wild & Scenic Rivers Council)
[67] The Council does not appear to be publishing its Reference Guide at present. Rather, it is relying on its series of technical papers that were often important parts of the earlier Reference Guide. However, copies of the Reference Guide still exist in various forms. The National Park Service has an NPS-specific 2021 version posted: https://www.nps.gov/subjects/policy/upload/RM-46_04-12-2021-2.pdf. The Internet Archive has the Reference Guide as it existed in 1997:
https://archive.org/details/wildscenicrivers00inte.
[68] https://www.rivers.gov/technical-papers.
(Interagency Wild & Scenic Rivers Council technical papers).
[69] The Interagency Wild & Scenic Coordinating Council maintains a website, which is a portal for various resources: https://www.rivers.gov/.
[70] "The Wild & Scenic River Study Process," Technical Report Prepared for the Interagency Wild & Scenic River Coordinating Council, Wild & Scenic River Reference Guide, 1999, p. 2.
https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-07/study-process.pdf.
[71] https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-01/2aii.pdf. "Designating Wild & Scenic Rivers Through Section 2(a)(ii) of the Wild & Scenic Rivers Act," 2007, Technical Papers, Interagency Wild & Scenic Rivers Coordinating Council.
[72] https://legiscan.com/CA/text/AB43/id/3029594 (Assemblyman Nick Schultz 2024–26 bill to remove the sunset clause of §5093.71 created by AB-2572 in 2018.)
[73] Tim Palmer, Committee to Save the Kings River, Donn Furman, executive director, *The Kings River, A Report on its Qualities and its Future*, February 1987. p. 97.
[74] Ibid. The reference is for "permits." Without reviewing the application to the FPC, it is unclear whether the applications were for "preliminary permits," used today for banking a project site during project design and license application development, or for a license application to construct and operate an FPC/FERC-jurisdictional hydroelectric project.
[75] Ibid.
[76] Ibid.
[77] "Every person, firm, corporation or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of a misdemeanor and upon conviction must be fined not less than five hundred ($500) or be imprisoned in the county jail of the county in which the conviction shall be had, not less than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance." California Proposition 11. 1924. Klamath River Fish and Game District Initiative. California Secretary of State, 3 Nov. 1924.
https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1199&context=ca_ballot_props. (Fish & Game Code § 11036).

[78] Rep. B.W. Gearhart Kings Canyon NP bill. United States Code. *Title 16- Conservation,* 54 Stat. 41, 16 USC 80a. Accessed online. https://www.govinfo.gov/content/pkg/USCODE-2015-title16/pdf/USCODE-2015-title16-chap1-subchapVIII-sec80a.pdf. *The Kings River, A Report on its Qualities and its Future*, p. 98.
[79] Ronald B. Robie, Russell Kletzing, Idaho Law Review, "Area of Origin Statutes—the California Experience," 1979, pp. 4–5. (Robie-Kletzing Law Review Article). Friends of the River files; ("Exhibit FOR-53 1979 Robie-Kletzing law review article (ocr).pdf") (From Friends of the River Sites water rights testimony).
[80] Tim Palmer, Committee to Save the Kings River, Donn Furman, executive director, *The Kings River, A Report on its Qualities and its Future*, February 1987, pp. 98–99.
[81] California. Department of Water Resources. *California Water Plan Bulletin 3: May 1957.* California Department of Water Resources, 1957. https://h8b186.p3cdn2.secureserver.net/wp-content/uploads/2019/11/Part-1-from-B3-The_Califonia_Water_Plan-May_1957-reduced-size.pdf. (*California Water Plan Bulletin 3*).
[82] Ibid., pp. 4–5.
[83] *The California Water Atlas*, Prepared by the Governor's Office of Planning and Research in cooperation with the California Dept. of Water Resources, William L. Kahrl, Project Director and Editor, Edmund G. Brown Jr., Governor, State of California, 1975, p. 53. (*California Water Atlas*) MWD's contract would later expand to 2,011,500 acre-feet per year. Ibid.
[84] California. *California Water Code,* § 12937(b)(4)
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=6.&title=&part=6.&chapter=8.&article=
California. Legislature. *California Water Resources Bond Act of 1960.*
https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1605&context=ca_ballot_props
Citation needed for Burns-Porter Act. California. Legislature. *Burns-Porter Act.* 1959.
[85] Paywall article https://latimes.newspapers.com/search/results/?date=1960-11&keyword=Prop+1. *Aqueduct Empire, A Guide to Water in California, Its Turbulent History and Its Management Today,* Erwin Cooper, Arthur C. Clark Company, 1968, Chapter 13, pp. 221–242 (*Aqueduct Empire*); *California Water Atlas*, pp. 51, 53.
[86] United States. Department of Interior. Outdoor Recreation Resources Review Commission. *Outdoor Recreation for America 1961.* https://www.govinfo.gov/content/pkg/CZIC-gv53-a545-1962/html/CZIC-gv53-a545-1962.htm.
[87] *The River Stops Here*, *Saving Round Valley, A Pivotal Chapter in California's Water Wars*, Tim Simon, Random House, , 1994, p. 128. (*The River Stops Here*).
[88] https://www.rivers.gov/history. "NPS, National Wild & Scenic River History." See also Tim Palmer, Oregon State University Press, *Wild & Scenic Rivers, An American Legacy*, 2017, p.19.
U.S. Congress. *United States Code: Wild and Scenic Rivers, 16 U.S.C. §§ - 1287 Suppl. 5 1964.* 1964. Periodical. Retrieved from the Library of Congress, https://tile.loc.gov/storage-services/service/ll/uscode/uscode1964-02301/uscode1964-023016028/uscode1964-023016028.pdf.
[89] Jon Engellenner, "Green Valley's Slopes Provide Great Views." *The Sacramento Bee,* 7 November 1971, print. Friends of the River files.
[90] Tim Palmer, *Wild & Scenic Rivers, An American Legacy,* 2017, p.19.
[91] United States. Congress. *Public Law 89-111, 79 Stat. 446.* Accessed online.
https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg446.pdf.
https://www.congress.gov/bill/89th-congress/house-bill/903. (H.R. 903, 89th Congress, An Act to add certain lands to the Kings Canyon National Park in the State of California, and for other purposes, Rep. B.F. Sisk D-Fresno).
[92] Lary M. Dilsaver and William C. Tweed, *Challenge of the Big Trees,* Sequoia Natural History Association, Incorporated, 1990, Chapters 7 & 8. Challenge of the Big Trees (Table of Contents)

(nps.gov); Friends of the River files, ("Exhibit 61 NPS Kings Canyon NP history.pdf.") (From Friends of the River Sites water rights hearing testimony).

[93] For Reclamation's history of the Auburn dam project, see the following: https://www.usbr.gov/history/ProjectHistories/Central%20Valley%20Project-Auburn%20Dam%20D2.pdf. For the Congressional Record of the House passage and the resulting Auburn dam authorization, see the following: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_5.pdf.

[94] California Senate. *Senate Concurrent Resolution 20. Final Calendar of Business, 1966, (Farr, Rodda, Short, and Teale)* p. 69. California State Printing Office, 1966. (Request to the Resources agency for comments and recommendations concerning wild & scenic rivers. We have not, however, found the text of the resolution.) Friends of the River files; ("1966 Final Calendar of Leg Business SCR 20 Farr et al.pdf").

[95] Friends of the River email files; According to former DWR Deputy Director (and decades later, Deputy Natural Resources Secretary) Jerry Meral, Guy Fairchild, a supervising engineer at DWR, was indeed reputed to be the one who had the idea of including the Middle Fork of the Feather in the W&S River System. He would have known the river through his work on the State Water Project, which had been planning the Feather River Project (Oroville Dam facilities) for many years. Steve Evans reports that "Friends in Plumas County told me that Rep. Bizz Johnson [Rep. Harold T (Bizz) Johnson D Roseville] was responsible for adding the MF Feather to the WSR Act. That seems unlikely given that Bizz was a big dam booster. But he and his cronies loved to fish the MF and he didn't want to see his favorite fishing river destroyed." Friends of the River emails from Steve Evans to Ronald Stork; May 10, 2023.
The three state departments responsible for the report titled "Feasibility and Desirability of Designating the Middle Fork Feather River a Wild River" were the Departments of Water Resources, Fish and Game, and Parks and Recreation. (Letter to Merrill G. Hastings, Jr., Publisher *Colorado Magazine,* from Bill Gianelli, Director, California Department of Water Resources, November 19, 1969). Friends of the River files; ("1969 Letter from Bill Gianelli DWR to CO Magazine on 1967 S J.R. 16.pdf") and ("1968 Livermore ltr to Rep Aspinall MF Feather WSRA designation recommendation.pdf"). To our knowledge, Friends of the River does not have the "Feasibility and Desirability of Designating the Middle Fork Feather River a Wild River" report.)

[96] "The Middle Fork of the Feather River in California was included [as original national wild & scenic river], though two dam sites proposed by the Richvale irrigation District had been approved by the state." Tim Palmer, *Endangered Rivers and the Conservation Movement*, University of California Press, 1986, p. 146. For another comment on the effect of the Richvale Irrigation District proposal, see the following

> "Some years ago, it was this pillar's position to criticize the department of fish and game for its action on the Middle Fork Feather River. The stream had been sitting there in its pristine state, providing top notch fishing for the hardy few who had the gumption to hike into it and the skill to catch a trout.
> Along came the Richvale Irrigation District with an ambitious plan to build a series of dams and power-drop tunnels to provide irrigation and cheap power. The department turned its guns on RID with the result that the project was never built. (Edwin S. Capps, Capitol News Service, Fish 'N Gamer, May 10, 1968.) Friends of the River files; ("SB830 CA Protected Waterways Plan Legislation (Lagomarsino Library) (ocr).pdf," PDF p. 18.)

The forgoing "Fish 'N Gamer" material was collected by researcher Andrew Franklin for Steve Evans with the assistance of Evelyn Taylor, the archivist for the Robert J. and Norma Lagomarsino Archive at California State University Channel Islands, from the collection there. Friends of the River's files; ("Andrew's SB830 Note formatted.docx").

[97] (Letter to Merrill G. Hastings, Jr., Publisher *Colorado Magazine,* from Bill Gianelli, Director, California Department of Water Resources, November 19, 1969). (Gianelli letter). Friends of the River files; ("1969 Letter from Bill Gianelli DWR to CO Magazine on 1967 S J.R. 16.pdf")
[98] Ibid. (Gianelli letter).
[99] Friends of the River files; "Senate Clears Bill Giving Middle Fork 'Wild' Status," *Mercury Register*, September 28, 1988. "Plans have been on the drawing board for about 10 years to develop a hydroelectric project that would include several dams in a 17-mile stretch of the river. The project would have been constructed by a combine of irrigation districts in southern Butte and northern Sutter counties and financed by Pacific Gas and Electric Co. through power purchases." ("1968 MF Feather WSRA designation press (ocr).pdf").
[100] *California Senate Bill 830, Chapter 1278 Protected Waterways.* California Legislature, Friends of the River files; ("SB 830 CA Protected Waterways Plan Background (Lagomarsino Library) (ocr).pdf") ("1971-8-13 SB 830 Protected Waterways Act (ocr).pdf"). The preceding two pdfs were created by researcher Andrew Franklin for Steve Evans with the assistance of Evelyn Taylor, the archivist for the Robert J. and Norma Lagomarsino Archive at California State University Channel Islands, from the collection there. Friends of the River's files; ("Andrew's SB830 Note formatted.docx"). For an early view of the two statutes, see G.E. Delisle's "Protected Waterways and Wild and Scenic Rivers" *CA-NEVA Wildlife*, 1973, also provided by Andrew Franklin. Friends of the River files; ("1973 Delisle on CA Protected Waterways & CAWSRA.pdf").
[101] *California Wild and Scenic Rivers Act*. Senate Bill 107, 1971; (1971 bill introduction). Friends of the River files; ("1971-1-14 SB 107 (Behr) (ocr).pdf") (1972 bill introduction). Friends of the River files; ("Autographed SB 107 (Behr) (color) Jan 24, 1972 (ocr).pdf").
[102] Friends of the River files; ("1968 Livermore ltr to Rep Aspinall MF Feather WSRA designation recommendation.pdf"). Friends of the River does not have a copy of either A J.R. 16 or the Resources Agency Feather River WSRA potential designation report.
[103] United States. Congress. Senate. National Wild and Scenic Rivers Act. (S. 119, P.L. 90-542, October 2, 1968.)
https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%2090-542.pdf. S. 119, 90th Congress, An Act to provide for a National Wild and Scenic Rivers System, and for other purposes. https://www.congress.gov/bill/90th-congress/senate-bill/119.
For histories of the national wild & scenic rivers system, see Tim Palmer's *The Wild & Scenic Rivers of America*, Earth Island Press, 1993; *Endangered Rivers and the Conservation Movement*, University of California Press, 1986; and *Wild & Scenic Rivers: An American Legacy*, Oregon State University Press, 2017.
[104] On April 5, 1968, Luis Ireland, chair of the conservation committee of the Sierra Club Mother Lode Chapter, had recommended to the Sierra Club's Bob Waldrop and Executive Director Mike McCloskey that the Middle Fork Feather from Nelson Point in Plumas County to Oroville Reservoir be part of the inaugural National Wild & Scenic Rivers Act. Friends of the River files; "Memo to Bob Waldrop and Mike McCloskey from Luis Ireland, chair of the conservation committee of the Sierra Club Mother Lode Chapter regarding Rivers in Mother Lode Chapter Recommended for Inclusion in the Scenic Rivers System." Friends of the River Files; ("1968-5-5 Luis Ireland to SC National on MLC WSRA recommendations.pdf").
[105] United States. Congress. Senate. National Wild and Scenic Rivers Act. Public Law 94-486 §601, 12 Oct. 1976. https://www.congress.gov/94/statute/STATUTE-90/STATUTE-90-Pg2327.pdf. (S. 1506, 94th Congress, An Act to amend the Wild and Scenic Rivers Act, and for other purposes, U.S. Senator Lee Metcalf D-Montana) https://www.congress.gov/bill/94th-congress/senate-bill/1506. (Middle Fork Feather River headwaters boundary adjustment).
[106] WSRA "SEC. 2 (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they

flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system.... Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii)."

[107] WSRA "SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas."

[108] WSRA "§(b) (1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the Wild and Scenic Rivers System and to other rivers. Any agreement under this section may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection and management of river resources."

[109] *The River Stops Here, Saving Round Valley, A Pivotal Chapter in California's Water Wars,* Ted Simon, University of California Press, 1994, pp. 129-130. *The River Stops Here* is a book-length treatment on the saving of the Eel River and consequent creation of the California wild & scenic river system.

[110] Friends of the River files; ("1969-9-24 WRC ltr to Gianelli on w&s studies.pdf").

[111] Friends of the River files; ("1969-7-25 WRC w&s study guidance.pdf").

[112] Tuolumne River Conference of the Sierra Club Northern California Regional Conservation Committee, *The Tuolumne River, a Report on Conflicting Goals with Emphasis on the Middle River*, Robert W. "Bob" Hackamack, Chairman, Tuolumne River Conference, Library of Congress Catalog Card Number: 73-126125, February 1970. Much of the writing was done by the uncredited *Modesto Bee* reporter Thorne B. Gray. It was prepared with the assistance of Ernest and Julio Gallo engineer Bob Hackamack. U.C. Davis has a collection of Thorne Gray's files in its archives. https://library.ucdavis.edu/archives-and-special-collections/collection/gray-thorne-b-collection/.

[113] In addition to recommending wild & scenic river designation for the free-flowing reaches of the Tuolumne River upstream of New Don Pedro Reservoir, the report recommended opposition of "any renovation or replacement of Eleanor Reservoir" and opposition to its enlargement. It also recommended opposition to "further damming or diversion of the waters of the Tuolumne River…" *The Tuolumne River, a Report on Conflicting Goals with Emphasis on the Middle River*, p. 7.

[114] H.R. 16854 91st Congress, (copy not available at Congress.gov) Friends of the River files; (Rep. Waldie Eel, Klamath, Trinity wild and scenic proposed designation river bill).

[115] Friends of the River files; "Undated letter from Jerry Meral to the Sierra Club California Regional Conservation Committee and chapter chairs" ("1970 Meral river status update to CRCC & chapt chairs (ocr).pdf") and "December 29, 1970, letter from Robert W. Hackamack to Orrin D. Beckwith, Bureau of

Outdoor Recreation, San Francisco, California." ("1970-12-29 Hackamack ltr to BLM SF on 5(a) studies.pdf").

[116] (Rep. Hosmer proposed WSRA study river bill) H.R. 19518, 91st Congress, In the House of Representatives, A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90–542) to include certain rivers located within the State of California as potential components of the Nation Wild and Scenic Rivers System, and for other purposes. (Congressional Record, H.R. 19518, To Expand the Wild & Scenic Rivers Act of 1968, September 30, 1970. Congressional Record – House, September 30, pp. 34335–34336.) (H.R. 19518 is not available at Congress.gov.) https://www.govinfo.gov/content/pkg/GPO-CRECB-1970-pt25/pdf/GPO-CRECB-1970-pt25-6-1.pdf. Friends of the River Files; ("1970 Cong Record Hosmer WSRA bill introduction.pdf") and "News from the office of Rep. Craig Hosmer," September 30, 1970, and accompanying bill language. ("1970-9 Rep Hosmer WSRA study bill materials.pdf") and ("1970 HR 19581 (Hosmer).pdf").

[117] Rep. Craig Hosmer letter to Secretary of the Interior Wally J. Hickel, September 24, 1970. Friends of the River files; ("1970-9 Rep Hosmer WSRA study bill materials.pdf").

[118] The Oregon Scenic Waterways System does not use the words wild & scenic rivers act, nor does it adopt classifications featured in the national act. Nevertheless, in 1994, Secretary of the Interior Bruce Babbit considered it to qualify for his WSRA §2(a)(ii) acceptance of Governor Robert's 1993 Oregon Scenic Waterways designation request to be included in the national wild & scenic rivers system. https://www.rivers.gov/rivers/sites/rivers/files/2023-01/klamath-study.pdf, p. 8. https://www.rivers.gov/rivers/sites/rivers/files/2022-10/klamath_FRN%20Vol.59%20No.201.pdf.

[119] Ballot Measure 9. Oregon Secretary of State, 1970. (Oregon Revised Statutes 390.815.) Andy Kerr has a nice memo on the state and federal wild & scenic river designations in Oregon. https://static1.squarespace.com/static/573a143a746fb9ea3f1376e5/t/5b5213d48a922da5755dd3db/1532105687314/LOP%2313.5NWSRSOregon.pdf.

[120] "The 'Obscure' Rivers of Behr's Wild Rivers Bill," John Lindsey, *Santa Cruz Sentinel,* 9 Nov 1972, p. 20. Friends of the River files; "JohnLindsay_NFWS_article_110972.pdf").

[121] Friends of the River files; SB 1285, p. 2. ("1971-4-15 SB 1285 (with May 19 amendments) (ocr).pdf").

[122] Friends of the River files; SB 1285, p. 1. Ibid., (file).

[123] Friends of the River files.

[124] *California Wild and Scenic Rivers Act*. Senate Bill 107, 1971. Friends of the River files; ("1971-1-14 SB 107 (Behr) (ocr).pdf"). State Senator Peter Behr's chief of staff recalls the genesis of Peter Behr's involvement (Personal communication, October 20, 2022):

> In 1970, as a new partner of Sandy Weiner, I was assigned as campaign manager for Marin Supervisor Peter Behr, running for the State Senate, on the heels of the successful SAVE OUR SEASHORE campaign Peter led to create the Point Reyes National Seashore. One day, I spotted a little article in the San Francisco Chronicle about some outfit in San Francisco named the "California Committee of Two Million that was trying save California's wild rivers, led by Joseph Paul. Knowing his keen interest in environmental issues, I showed it to Peter, who loved the idea. At his request, I called Joe Paul and told him that, if successful, Peter might be interested in helping. Flash forward — Peter's elected in November, I agreed to go with him to Sacramento as his Chief of Staff, I got back in touch with Joe, we worked out an outline, Peter sent it to Senate Office of Research and introduced SB 107, the California Scenic and Wild Rivers Bill as his first piece of legislation. The only problem is — We forgot to discuss it with or notify Randy Collier! This was, after all, his district. Needless to say, an awkward beginning by two amateurs!

[125] Friends of the River files; Legislative Birdwatchers, Special Bulletin - Wild Rivers Bills, July 27, 1971. ("1971-7-27 Legislative Birdwatchers wild rivers bills (ocr).pdf").

[126] Friends of the River files Print of Senate Bill 107, January 14, 1971; ("1971-1-14 SB 107 (Behr) (ocr).pdf").

[127] Ibid.
[128] Friends of the River files; Press release State Senators Behr and Lagomarsino, May 10,1971, ("1971-5-10 SB 107 author amendments (ocr).pdf"), Meral letter to the Sierra Club Regional Conservation Committee chair ("1971-5-18 Meral to RCC Chair SB 107 report (ocr).pdf").
[129] Friends of the River files; Memo from Joe Paul, State Chairman, California Committee of Two Million to CCO2M Steering Committee, October 4, 1971.
[130] Friends of the River files; Wild Rivers Reporter, Volume 2, No. 1, California Committee of Two Million, pp. 1, 6. ("1972 Spring Wild Rivers Reporter pp 1, 6.pdf").
[131] "Peter H. Behr, Oral History Interview," conducted 1988 and 1989 by Ann Lage, Regional Oral History Office, University of California Berkeley, for the California State Archives State Government Oral History Program, California State Printing Office, 1989, p. 123. Excerpts available in Friends of the River files and may have been collected for Steve Evans by researcher Andrew Franklin.
[132] Personal email communications with Bill Kier, November 1, 2023.
[133] On May 18, 1971, Jerry Meral reported that State Senator Teal (D-Railroad Flat) intended to add the North Fork American to SB-107 if it made it to the Senate Finance Committee, of which he is vice-chairman. Friends of the River files; Meral letter to the Sierra Club Regional Conservation Committee chair, ("1971-5-18 Meral to RCC Chair SB 107 report (ocr).pdf").
[134] Friends of the River files; "letter from Jerry Meral to Bob Hackamack, February 24, 1971." ("1971-2-24 Ltr from Meral to Hackamack on Sen Teal on NF Am in SB 107.pdf").
[135] Letters from Matt Bailey to Jerry Meral, May 12, 1971, and June 13, 1971. Friends of the River files; ("1971 May-June Matt Bailey ltrs to Meral on NF Am SB 107.pdf").
[136] Jerry Meral reports that "we" are asking Senator Alan Short (D Stockton) to add the lower American River to the SB 107. Friends of the River files; Meral letter to the Sierra Club Regional Conservation Committee chair ("1971-5-18 Meral to RCC Chair SB 107 report (ocr).pdf").
[137] Letter from Ken Turner, Mother Lode Chapter, Sierra Club, to Jerry Meral, May 17, 1971. Friends of the River files; ("1971-5-17 MLC Turner to Meral on Jim Jones and LAR SB 107.pdf"). Meral letter to the Sierra Club Regional Conservation Committee chair ("1971-5-18 Meral to RCC Chair SB 107 report (ocr).pdf").
[138] Jerry Meral letter to the Sierra Club Regional Conservation Committee chair ("1971-5-18 Meral to RCC Chair SB 107 report (ocr).pdf").
[139] Friends of the River files; ("1972-2-8 State Senator Stiern on NF Kern in SB 107.pdf") and Meral letter to the Sierra Club Regional Conservation Committee chair ("1971-5-18 Meral to RCC Chair SB 107 report (ocr).pdf").
[140] The U.S. Bureau of Reclamation in a letter to the California Department of Water Resources "finds it is just a preliminary proposal which is being consider by B.L.M. and the Forest Service." (Letter to Mr. Herbert W. Greydanas, Division Engineer, California Department of Water Resources from L.B. Christiansen, Assistant Regional Project Development Engineer, February 3, 1971.) Friends of the River files; ("1971 Feb USBR to DWR ltr on BLM SF Yuba proposal.pdf"). The letter contains an issue of the *B.L.M. Newsbeat* stating that "[p]ublic comment is being sought by BLM's Folsom District on its preliminary finding that a 60 mile section of the South Yuba River meets criteria for protection under the National Wild and Scenic Rivers Act." *B.L.M. Newsbeat*, U.S. Department of the Interior, Bureau of Land Management, February 1971, pp 5–6. Friends of the River files; ("1971 Feb BLM News Beat (SF Yuba WSRA proposal.pdf").
[141] Congressional Record Volume 117, No. 49 April 6, 1971. Friends of the River files; ("1971 Waldie HR 7238 CR Eel Klamath Trinity introduction (ocr).pdf").
[142] Friends of the River files; ("1972SenLegHistSB4CollierSB107Behretal.pdf").
[143] Friends of the River files; (Print of Senate Bill 107 as introduced, January 24, 1971) ("Autographed SB 107 (Behr) (color) Jan 24 1972 (ocr).pdf"). Friends of the River files, Wild Rivers Reporter, Volume 2, No. 1, California Committee of Two Million, pp. 1,6. ("1972 Spring Wild Rivers Reporter pp 1, 6.pdf").

[144] Friends of the River files; Letter from State Senator Albert Rodda (D- Sacramento) to John Zierold, Legislative Advocate, Sierra Club, Sacramento California, February 17, 1972. Friends of the River files, Print of Senate Bill 107 as amended March 15, 1972; ("1972-3-14 SB 107 amendments (ocr).pdf") and "Wild Rivers Bills Fail to Win Okay" The Sacramento Bee, Saturday, August 5, 1972, ("1972-8-5 W&S bills fail to win OK (Sac Bee) (ocr).pdf"). Of some note to the current political situation in Sacramento, the *Sacramento Bee* opposed passage of SB 107 with the editorial commentary, "Additionally, the Behr bill would hamper the use of the American River for future water or flood control." "Gov. Reagan Should Veto Both Wild Rivers Bills in the Interest of all Californians," *Sacramento Bee*, November 29, 1972. Friends of the River files; ("1972-11-29 Sac Bee editorial against signing SB 107 (ocr)"). The *Sacramento Bee* would be a strong supporter of the Corps of Engineers convertible/expandable Auburn dam in the late 1980s and 1990s.

[145] Friends of the River files, Memo from Richard May, Acting State Chairman, California Committee of Two Million, March 21, 1972; ("1972-3-21 Richard May announces death of Joe Paul (ocr.pdf)". Peter Behr recalled the impact of Joe Paul's death:

> I began to move out, and my helpmates did, to get editorial support. We got all the major newspapers. We got the city of Los Angeles, we got the county of Los Angeles…Despite the [whole] water [establishment], we got them. The sportsmen were indefatigable. We thought we'd lost, because at the early stages of the second year, Joe Paul had a heart attack and died [Snaps fingers] Just like that. It was a personal tragedy for all of us, and we felt we couldn't move it without him. But we rallied around, and Dick May took over. He was the head of California Trout. And we just moved on. So it lived to be in his honor and his memory and so forth, and indeed it was. ("Peter H. Behr, Oral History Interview," conducted 1988 and 1989 by Ann Lage, Regional Oral History Office, University of California Berkeley, for the California State Archives State Government Oral History Program, California State Printing Office, 1989, p. 128.)

Friends of the River files contain written excerpts of the Oral History Interview concerning State Senator Behr's work on the creation of the California wild and scenic river system, excerpts that are likely to have been collected for Steve Evans by researcher Andrew Franklin.

[146] Friends of the River files.

[147] *The Kings River, A Report on its Qualities and its Future*, Tim Palmer, 1987, Rogers Crossing Dam chapter, pp. 77–85.

[148] "Environmental Defense Fund *et al.* v. Eastbay Municipal Utility District, In the Superior Court of the State of California, in and for the County of Alameda, Case #425955," Richard A. Hodge, Judge of the Superior Court, January 3, 1990 (Hodge Decision). Friends of the River files; ("Hodge Decision (ocr).pdf").

[149] Ibid. (file).

[150] *Natural Res. Def. Council v. Stamm*, 4 ELR 20463 (E.D.Cal. Apr. 26, 1974. "Findings of Fact of U.S. District Court Judge Thomas McBride," *NRDC, Save the American River Association, and the Environmental Defense Fund vs. Gilbert Stamm, et al.* April 26, 1974, pp. 6–7, reprinted in *USBR 1974 Auburn-Folsom South EIS*, Volume 2, September 20, 1974, in particular pp. A-24–25.
Concerning the decision by the Sacramento County Board of Supervisors to intervene in the *NRDC et al. lawsuit,* "[i]t's certainly possible that Pat Melarkey (Sacramento County Supervisor from 1971-1979) had something to do with it. When I was at EDF, Pat convinced the County to join in a lawsuit to stop diversion of the American River into the Folsom South Canal, after Tom Graff and I met with him." (Personal email communication, Jerry Meral, May 8, 2023.)

[151] *The River Stops Here*, *Saving Round Valley, A Pivotal Chapter in California's Water Wars*, Ted Simon, Chapter 28, "Ike and Gianelli Fight it Out."

[152] A book and more could describe the people and actions that led to the California Wild & Scenic Rivers Act. One, of course, has been written, Ted Simon's *The River Stops Here*, *Saving Round Valley, A Pivotal*

*Chapter in California's Water Wars*. But the cast of characters and action venues were large, and many books could be written on the Act's creation. But with that generation having passed or growing elderly, those histories will become more challenging as time passes. However, State Senator Behr did leave us with a grateful bipartisan remembrance of the last drama in the legislature:

> Well, we had so little time that when we went over to the Assembly, we were in desperate need of help. Leo McCarthy, who was a close friend of mine and was then Assembly speaker after Moretti, took over and pushed that bill through the committees. On the last night of the session, which is crazy night, and these bills were just all over the place; you can only pass a certain number and when the big clock stops at midnight that's the end of session. He personally presented the bill to the Assembly at the last moment. So without his help, we never would have gotten it through. And it went right through; he had the Assembly in hand. ("Peter H. Behr, Oral History Interview," conducted 1988 and 1989 by Ann Lage, Regional Oral History Office, University of California Berkeley, for the California State Archives State Government Oral History Program, California State Printing Office, 1989, p. 129.)

Friends of the River files contain written excerpts of the Oral History Interview concerning State Senator Behr's work on the creation of the California wild and scenic river system.

[153] California. Legislature. Senate. *California Wild and Scenic Rivers Act.* Senate Bill 107, 1972. Friends of the River files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf"). Bill Press, State Senator Behr's chief of staff, recounts the signing ceremony:

> Under DWR Director Bill Gianelli, the Reagan administration opposed SB 107 tooth and nail. But, in the end, Resources Secretary Ike Livermore, with the help of some Round Valley Indians, convinced Governor Reagan to sign the bill. I feared the signing ceremony would be awkward, but oh, no. Reagan signed the bill with a flourish, telling about growing up on the river in Illinois and, as a lifeguard, how he learned to love the river and still loved rivers, how important they were to him and to everybody. It was the performance of a lifetime. I looked around, there was not a dry eye in the room." (Friends of the River files; email communication, October 20, 2022.)

There was a photograph taken of the signing ceremony. Friends of the River files; ("Reagan Signs State W&S Bill - CA Committee of 2 Million.tif.") It has been converted to a jpg.

[154] The Collier bill was vetoed. It was not "chaptered out." Friends of the River files; ("1973-12-21 Reagan signs Behr bill (SF Chron) (ocr).pdf") and ("1972SenLegHistSB4CollierSB107Behretal.pdf").

[155] Eel River watershed planned reservoir storage estimate is from a memorandum from Albert Dolcini, Chief, Northern District, California Department of Water Resources, January 26, 1978, to Jerry Meral, Deputy Director, California Department of Water Resources. Friends of the River files, ("Exhibit FOR-68 Dolcini Eel R memo.pdf").

[156] The 1957 California Water Plan, Bulletin #3, plate 8, shows 2,565,000 acre-feet of Eel River watershed water was proposed to be captured and exported across the Delta and 422,000 acre-feet of Eel River watershed water along the coast range to the northern San Francisco Bay are to be "imported to areas of deficiency." "California Water Plan, Bulletin #3, Plate 8, Ultimate Development and Transfer of Water Under the California Water Plan." https://h8b186.p3cdn2.secureserver.net/wp-content/uploads/2019/11/Part-1-from-B3-The_Califonia_Water_Plan-May_1957-reduced-size.pdf.

[157] The 1957 California Water Plan, Bulletin #3, plate 8, shows 8,182,000 acre-feet of water to be "imported to areas of deficiency" and 872,000 acre-feet with "present or potential transfer under existing or claimed rights" to be dammed and diverted in the Trinity/Klamath River system. "Plate 8, Ultimate Development and Transfer of Water Under the California Water Plan," (*California Water Plan Bulletin #3*).

[158] Marc Reisner, *Cadillac Desert, the American West and its Disappearing Water*, Viking Press, pp. 277–279.
[159] Friends of the River files; (William Penn Mott, Director of the Department of Parks and Recreation, writes the Oregon State Parks Superintendent for advice on how Oregon classified state wild & scenic rivers.) ("1973-1-3 CA asks OR for w&s classification advice (ocr).pdf").
[160] https://www.congress.gov/bill/93rd-congress/house-bill/4326. (H.R. 4326, 93rd Congress, A bill to amend the Wild and Science Rivers Act of 1968 by designating a portion of the American River, Calif., for potential addition to the National Wild and Scenic Rivers System, Rep. Harold T (Bizz) Johnson D-Roseville). On June 20, 1973, the *Auburn Journal* reported that in a hearing before the Nation Parks and Recreation Subcommittee of the House Interior and Insular Affairs Committee, Rep. Johnson had stated that "[n]ot long ago, very few persons were aware that the north fork even existed, let alone needed protection," 'he observed.' "The canyon which houses the crystal-clear north fork is accessible only by foot trails…The north fork is one of the last undisturbed rivers in the northern Sierra region of California." ("Johnson Asks North Fork Stretch As 'Wild River,' " *Auburn Journal).* Friends of the River files; ("1973 NF American WSRA bill press.pdf").
[161] https://www.congress.gov/bill/93rd-congress/senate-bill/2386. S. 2386, 93rd Congress, A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the American River, Calif., for potential addition to the national wild and scenic rivers system, U.S. Senator Alan Cranston D-California.
[162] Friends of the River files, Memo from J.B. Reilley, EBMUD General Counsel, to John H. Plumb, Secretary, February 2, 1973; ("1973-2-2 EBMUD proposed SB 107 amendments (use of Folsom-South Canal) (ocr).pdf") and "County Opposes Behr Wild Rivers Change," Doug Dempster, Bee Staff Writer, *Sacramento Bee*, March 14, 1973, ("1973-3-14 County opposes EBMUD CAWSRA change (Sac Bee).pdf").
[163] https://www.congress.gov/bill/93rd-congress/house-bill/13017/. (H.R. 13017, 93rd Congress, A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Tuolumne River, Calif., for potential addition to the National Wild and Scenic Rivers System, Rep. John Mc Fall D-Manteca).
[164] Friends of the River files; (Sacramento River § 5(d) studies correspondence) (1973-9-25 Corps Sac River w&s assessment ltr to state (ocr).pdf).
[165] For a compilation of some of these interagency wild & scenic river study planning discussions, see Friends of the River files; (1972-73 Intra-TF 5a 5d discussions including Sac River.pdf")
[166] Friends of the River files; ("1973-3-14 Sac County opposes EBMUD SB-253 (Behr) (ocr).pdf").
[167] *The Kings River, A Report on Its Qualities and Its Future*, Tim Palmer, p. 99. The language at introduction had amended § 5993.54 of the Act to say, "The South (main) Fork of the Kings River west of the western boundary of the Kings Canyon National Park (Cedar Grove area), and the Middle Fork of the Kings River west of the western boundary of the Kings Canyon National Park (wilderness area), downstream to their confluence and thence downstream to the entrance of their waters into Pine Flat Reservoir." DWR reported that the bill was sponsored by "Fly Fishermen for Conservation" and was "substantially identical to SB-1028 of the 1972 session." DWR also reported that the 1972 bill had "been opposed by the California Water Resources Association, Fresno Board of Supervisors and the Sothern San Joaquin Valley Flood Control and Water Conservation Valley Flood Control, and Water Conservation Association." Friends of the River Files; ("Bill Analysis, DWR," June 12, 1973, with an "oppose" recommendation") ("1973-6-12 SB 623 CAWSRA Kings designation bill (ocr).pdf"). On June 13, 1973, the Fresno Bee reported that State Senator Zenovich had amended his Kings River state wild & scenic river designation bill to be a five-year dam construction moratorium to overcome the opposition of the Kings River Conservation District. The moratorium would not interfere with district studies for the potential construction of the 900,000-acre-foot Rogers Crossing Dam to be located near the upstream end of Pine Flat Reservoir. The dam would have been foreclosed under state law by wild & scenic river status. Friends of the River files; ("KRCD" Goes Along With Dam Bill," George Baker, *Fresno Bee,* June 13, 1973.) ("1973-7-13 KRCD Goes Along With Dam Bill (Fresno Bee) (ocr).pdf").
[168] "Findings of Fact of U.S. District Court Judge Thomas McBride," *NRDC, Save the American River Association, and the Environmental Defense Fund vs. Gilbert Stamm, et al.* April 26, 1974, pp. 6–7,

reprinted in *USBR 1974 Auburn-Folsom South EIS*, Volume 2, September 20, 1974, in particular pp. A-24–27.

[169] Judge McBride left the extension of the Folsom South Canal in stasis, not under active construction, and equally the litigation against the canal extension in stasis:

> 3. That this Court abstains from presently deciding, and retains continuing jurisdiction, as to the plaintiffs' Second Cause of Action [NEPA challenge] insofar as it relates to the Folsom-South Canal portion of the Auburn-Folsom South Unit of the Central Valley Project, until further order of this court; provided, that as a condition to such abstention of plaintiff's Second Cause of Action, the federal defendants shall notify this Court and the litigants herein as soon as a decision is rendered by the Secretary of the Interior regarding construction of the Folsom-South Canal below Reach 2, and, if a decision is made to proceed with construction below Reach 2, said construction shall not commence until at least sixty (60) days after said notice is given, unless otherwise ordered by this Court; and provided further, that the federal defendants shall give sixty (60) days notice to the litigants herein before acquiring any land, either by contract or by declaration of taking, for any portion of the Folsom-South Canal below Reach 2, and before entering into any water service contracts with respect to water appropriated by the Bureau of Reclamation out of the American River Division of the Central Valley Project;
>
> 5. That this action may be reopened on motion of any of the litigants hereto at any time, whether or not notice of action by the federal defendants has been given as prescribed in Paragraph 3 of this Order; and whether or not action of any type has occurred;

*Natural Res. Def. Council v. Stamm*, 4 ELR 20463 (E.D.Cal. Apr. 26, 1974. "Court Order Abstaining and Retaining Continuing Jurisdiction," Chief United States District Judge Thomas J. MacBride, United States District Court for the Eastern District of California, *NRDC et al. v. Stamm*, March 20, 1974, pp. 3–4, reprinted in *USBR 1974 Auburn-Folsom South EIS*, Volume 2, September 20, 1974, Volume 2, pp. A-3–4.

[170] *Stanislaus, Struggle for a River,* Tim Palmer, University of California Press*,* 1982. This book covers many of the aspects of this campaign. For a website devoted to the campaign, see www.stanislausriver.org. See also Friends of the River files; ("1974 Stan initiative.pdf").

[171] P.L. 93-621 §706. https://www.rivers.gov/document/public-law-93-621. S. 3022 §706, 93rd Congress, An Act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes, U.S. Senator Gaylord Nelson D-WI, https://www.congress.gov/bill/93rd-congress/senate-bill/3022. (NF American River wild & scenic river study bill).

[172] P.L. 93-621 §721. S. 3022 §721. Ibid. (Tuolumne River wild & scenic river study bill).

[173] P.L. 94-486 §601, October 12, 1976. https://www.congress.gov/94/statute/STATUTE-90/STATUTE-90-Pg2327.pdf. S. 1506, 94th Congress, An Act to amend the Wild and Scenic Rivers Act, and for other purposes, U.S. Senator Lee Metcalf D-MT, https://www.congress.gov/bill/94th-congress/senate-bill/1506. (Middle Fork Feather River headwaters boundary adjustment.) It is possible that potential land purchases around the MF Feather may have also prompted this boundary adjustment. More research might be needed. For a request to appropriate acquisition funds, see Friends of the River files; ("1973-6-12 Watt asks for MF Feather land purchase funds.pdf").

[174] Friends of the River files; *Headwaters*, Volume 1, No. 2, October 1976, p. 5. According to the California Department of Water Resources, Reclamation prepared the following report: U.S .Bureau of Reclamation. 1980. Butte Valley Division, Klamath Project Feasibility, Unpublished Office Report. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/1_003_ButteValley.pdf. Presumably this basin near the Oregon border was the object of Reclamation's diversion interest, not the Butte Valley

southeast of Chico in the Sacramento Valley. For more discussion, see Friends of the River files; *Headwaters*, Volume 2, No. 2, March/April 1977, p. 7.
[175] Friends of the River files; *Headwaters*, Volume 2, No. 1, January/February 1977, p. 7.
[176] Friends of the River files; *Headwaters*, Volume 2, No. 3, May/June 1977, p. 2.
[177] Friends of the River files; *Headwaters*, Volume 2, No. 3, May/June 1977, p. 2 and *Headwaters*, Volume 2, No. 5, May/June 1977, p. 6.
[178] P.L. 95-625, §706. https://www.govinfo.gov/content/pkg/STATUTE-92/pdf/STATUTE-92-Pg3467.pdf. S. 791, 95th Congress, National Parks and Recreation Act of 1978, U.S. Senator Frank Church D-ID. https://www.congress.gov/bill/95th-congress/senate-bill/791. (NF American River designation bill).
[179] *North Fork American River Waterway Management Plan*, State of California, Resources Agency, Department of Fish and Game, p. 9, figure 4, and concluding maps.
[180] P.L. 95-625, §721. govinfo.gov/content/pkg/STATUTE-92/pdf/STATUTE-92-Pg3467.pdf. S. 791, 95th Congress, National Parks and Recreation Act of 1978, U.S. Senator Frank Church D-ID. https://www.congress.gov/bill/95th-congress/senate-bill/791. (NF Kern wild & scenic river study bill.)
[181] For some coverage of Phil Burton's (D-San Francisco) H.R. 12536, see Friends of the River files; *Headwaters*, Volume 3, No. 5, September/October, p. 4.
[182] Friends of the River files; *Headwaters*, Volume 3, No. 7, November/December 1978, p. 6.
[183] Friends of the River files; *Headwaters*, Volume 4, No. 7, July/August 1979, p. 2.
[184] Friends of the River files; *Headwaters*, Volume 4, No. 5, September/October 1979, p. 3.
[185] Friends of the River files; *Headwaters*, Volume 5, No. 2, May/June 1980, pp. 3–4.
[186] Friends of the River files.
[187] The state plans included the following: *North Fork American Waterway Management Plan*, July 1977; *Lower American River Waterway Management Plan*, July, 1977; *Van Duzen River Waterway Management Plan*, July 1977; *Salmon River Waterway Management Plan*, November 1977; *Scott River Waterway Management Plan*, December 1979; *Salmon River Waterway Management Plan* (Revised), December 1979; *Smith River Draft Waterway Management Plan*, April 1980. The Secretarial state wild & scenic river system management planning requirement was repealed in 1982, along with the requirement to submit the plans to the legislature for adoption. The repealed code section can be found in Friends of the River's files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf").
[188] Friends of the River files; *Headwaters*, Volume 5, No. 2, May/June 1980, pp. 4.
[189] Friends of the River; "Voter Information Guide for 1980 General Election," ("Voter Information Guide for 1980 General Election Prop 8 (ocr).pdf").
[190] H.R. 7711, 96th Congress, A bill to amend the Wild and Scenic Rivers Act by designating a segment of the American River in California as a component of the National Wild and Scenic Rivers System, Rep. Robert Matsui, D-Sacramento. https://www.congress.gov/bill/96th-congress/house-bill/7711.
[191] Friends of the River files; *Headwaters*, Volume 5, No. 5, November/December 1980.
[192] H.R. 8096, 96th Congress, A bill to amend the Wild and Scenic Rivers Act to provide for the study of certain river segments for potential inclusion in the national wild and scenic rivers system and to designate certain river segments for inclusion in such system, and for other purposes, Rep. Phillip Burton, D-San Francisco. https://www.congress.gov/bill/96th-congress/house-bill/8096.
[193] FR August 7, 1980, p. 52549. Friends of the River files; Letter from California Governor Edmund G. Brown Jr. to Secretary of the Interior Cecil Andrus.
[194] https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-01/2aii.pdf. "Designating Wild & Scenic Rivers Through Section 2(a)(ii) of the Wild & Scenic Rivers Act," 2007, Technical Papers, Interagency Wild & Scenic Rivers Coordinating Council.
[195] Personal communication with then (1980) Deputy Director of the California Department of Water Resources.
[196] Friends of the River files; ("Voter Information Guide for 1980 General Election Prop 8 (ocr).pdf").
[197] Friends of the River files; *County of Del Norte v. Brown*, Sacramento Superior Court, October 1980.

[198] *County of Del Norte v. Andrus,* ND Cal, *Association of Cal. Water Agencies v. United States*, No. C-81-1457-WAI, and *County of Josephine v. Andrus*, No. C-81-34 (D. Or.)
Some of this story can be assembled from press clips from the era, but a remarkable but as yet unpublished account of the Congressional pushback against the Secretarial decision comes from Dave Weiman, Joe Paul's nephew, in Friends of the River files; ("The last-minute fed inclusion of CA's W&SR system.pdf") assembled from an email dated April 19, 2021. Here are some excerpts:

> Joe Paul unexpectedly died in 1972 at a young 56. I was at the hospital when his life came to an unexpectedly abrupt halt. His death occurred a few weeks before Sen. Peter Behr's SB 107 was signed into law by Governor Reagan, establishing the California Wild and Scenic Act in the first place…. When Dick waved the "family" banner and asked for help, I responded. In so doing, I ended up having a front-row seat for the concluding chapter of this North Coast history. (p. 3)

> In 1980, after the State of California asked DOI to include the North Coast Rivers – the family of SB 107 rivers into the Federal system—there was a legislative amendment to a funding bill to prohibit statutorily the Secretary from acting on the State's petition or approving the State's papers. Starting in the House, timber companies and MWD led an effort to block it. Long-time, now-retired Washington, D.C. lobbyist, Bob Will represented them. Guided by Will's efforts, the 1980, the House version of end-of-session funding bill added the amendment that would have prevented Andrus from acting on the Petition. It was one of some 40 controversial, special-interest "ornaments" or amendments tacked onto that funding bill and the House passed it. (p. 4).

[200] Ibid.

> By law (and custom), when it comes to funding or tax bills, in the Congress, the House always acts first. In this case, the House acted. The bill passed. It included the "poison pill" amendment. No to North Coast River protection. (p. 4)

[201] https://www.congress.gov/bill/96th-congress/house-bill/8096. (Burton Omnibus wild & scenic river designation bill.) At one time it carried a Camp 9 Stanislaus River reach WSRA §3(a) designation. The bill would also have made the lower American River downstream of Nimbus Dam a WSRA §3(a) designated river.
[202] For a post-mortum of the House Interior Committee vote to drop wild & scenic river status for the Camp Nine reach of the Stanislaus River, see Friends of the River files; *Headwaters*, Volume 5, No. 5, November/December 1980, pp. 3–4, 10.
[203] H.R. 4223, 96th Congress, A bill to amend the Wild and Scenic Rivers Act by designating certain segments of the Stanislaus River in California as a component of the National Wild and Scenic River System, Rep. Don Edwards, D-San Jose. https://www.congress.gov/bill/96th-congress/house-bill/4223/related-bills.
[204] COUNTY OF DEL NORTE, ET AL., Plaintiffs-Appellees, v. UNITED STATES OF AMERICA, ET AL., Defendants-Appellants; ASSOCIATION OF CALIFORNIA WATER AGENCIES, ET AL., Plaintiffs-Appellees, v. UNITED STATES OF AMERICA, ET AL., Defendants-Appellants; ENVIRONMENTAL DEFENSE FUND, ET AL., Intervenors-Appellants, Cross-Appellees Nos. 83-1761, 83-2018, 83-1770, 83-2019, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 732 F.2d 1462; 1984 U.S. App. LEXIS 22570; 21 ERC (BNA) 1134; 14 ELR 20522, November 16, 1983, Argued and Submitted, May 11, 1984, Decided, p. 1465 (p. 3). (*County of Del Norte, 1984 Ninth Circuit Decision*).
[205] Friends of the River files; ("FOR-71 Voter Info Guide 1980 Gen Election (Prop 8 excerpts).pdf").
[206] Friends of the River files; ("County of Del Norte v. Andrus Ingram dissolves temp restraining order.pdf.")

[207] Friends of the River files; (*County of Del Norte v. Brown*, (Super. Ct. Sacramento County, 1981, No. 292019).

[208]

> End-of-session, things moved quickly. The bill arrived in the Senate and was marked up in the ornate Appropriations Committee Capitol first floor hearing room. It was an "open" markup, but the Committee only had a handful of seats available for the public (literally). So, lobbyists were lined up, 50 or more and knee deep, in the corridor (affectionately known as "Gucci Gulch"). Will was in line a few spots ahead of me. We were standing around for a couple of hours (we do that a lot). Finally, one of the Committee clerks came out and went to Will, quietly saying something. The amendment was accepted. The State's Petition was blocked. Will grinned and said, "I've taken care of my work for the year…" and then departed.

Friends of the River files; ("The last-minute fed inclusion of CA's W&SR system.pdf,") p. 4.

[209] Ibid.

> All of this occurred shortly after the 1980 national election. Carter lost. Rs took control of the Senate. Dems were not about to antagonize Senator Bob Dole, the incoming Majority Leader, by jamming non-germane amendments on the end-of-year funding bill. The Senate passed a clean bill. No riders. No amendment blocking or prohibiting Interior from acting on the State's Petition.

[210] Ibid.

> At the time, he never got credit, but a then very young, three-term House member (from the Watergate Class of 1974 and whose Mother, ironically, was from Eureka), played a critical role. We later came to call him, "Mr. Chairman" or mostly just "George." Rep. George Miller worked with a group of Members to persuade the House Leadership to drop that entire amendment package. During one of the seeming endless delays, a group of members were meeting on the floor (looked like six-year-olds playing soccer – all clustered around one another). The old guard in the House and especially the senior appropriators – not happy. Not at all. Not the last time George would demonstrate critical leadership in the House on water policy.

[211] Ibid.

> Not surprisingly, there was a huge end-of-session clash between the House and Senate funding bills and a head-on confrontation over those amendments. Include? Exclude? Take some, reject others? Which survive? Which get dropped? The old adage about watching sausage and legislation being made lived up to its reputation in those hours. Short version of the story—in the middle of the night, the House was forced to drop their entire amendment package. The result—NO amendments. None. All were dropped. In that decision, the amendment blocking or prohibiting Sec. Andrus' ability to sign the State's petition was killed.

[212] *County of Del Norte,* 1984 Ninth Circuit Decision*,* p. 1465 (p. 3).

[213] In 2011, thirty years later, Jerry Meral, then Deputy Secretary of the California Natural Resources Agency, organized a celebration for participants in the protection of the state's original wild & scenic rivers. The event was held in the rotunda of the California state capitol. One of its highlights was the display of a vintage photograph of the California Department of Water Resources team that assisted in the preparation of the environmental impact statement that would permit Secretary Andrus to accept these rivers into the national wild & scenic rivers system. It was contrasted with a photograph taken of the surviving cast at the Capitol event. Friends of the River files; ("Calif 2a(ii) w&s team.jpg") ("30th Anniversary photo cast. (RS Oct 5 2022.rtf")) ("Wild Rivers Task Force CA team 2011_0279.pdf").

[214] *County of Del Norte,* 1984 Ninth Circuit Decision*,* p. 1465 (p. 3).

[215] Ibid.
[216] U.S. Department of the Interior, Heritage Conservation and Recreation Service, *Final Environmental Impact Statement for the Inclusion of Five Rivers in California's Wild & Scenic Rivers System in the National Wild & Scenic Rivers System*, December 9, 1980, pp. P-3–P-5, S-7. (HCRS 1980 Five Rivers FEIS).
[217] Original PRC 5093.54 (c) Smith River and all its tributaries, from the Oregon-California state boundary to the Pacific Ocean. ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf").
[218] HCRS 1980 Five Rivers FEIS, p. II-17.
[219] Ibid, p. II-1, II-15.
[220] *County of Del Norte,* 1984 Ninth Circuit Decision*,* p. 1465 (p. 3).
[221] *County of Josephine v. Andrus* No. 81-34 (D. Or. January 15, 1981).
[222] *County of Del Norte v. Andrus*, No. C-80-3964-WAI (N.D. Cal. filed Jan. 16, 1981)).
[223] Dave Weiman summarizes his conversations with Secretary or former Secretary Cecil D. Andrus in his April 19, 2021, email:

> Hamilton Jordan was Carter's WH Chief of Staff at the close of the Carter presidency. As such, he was in charge of closing down the Administration and overseeing the transition (a) to the Carter Library waiting to be built) and (b) to the Reagan Administration. Sometime in December or January (no idea when), Jordan circulated a directive to each Cabinet Member, directing them to submit their resignations, effective 5:00 pm, January 19, 1981—close of business on the last day of the Carter Administration. Ostensibly, Jordan wanted a neat stack of these letters for the Carter library. Andrus objected. He thought the request was stupid—and, more to the point, it contradicted Carter's original request to Andrus. After the '76 election, then Governor Andrus went to Plains, met Carter and was offered the Secretaryship. At the time, Carter asked Andrus to commit to serve the full first term. He gave the President-elect that expressed commitment—as requested. The full term went to noon, January 20. To Andrus, the "full term" did not end at 5:00 pm the night before Inauguration Day. Andrus didn't think much of Jordan's directive—SO ANDRUS IGNORED IT. He made a commitment to the President and, to Andrus, Jordan's request amounted to needless paperwork AND a conflict with Carter's original request. He didn't resign. When he went to the WH to be with the President, First Lady and the Cabinet (again – hostage release negotiations were intense and hours from conclusion), he went as SECRETARY, not the "former Secretary." So, when word came through the WH Switchboard that the injunction was lifted, Andrus was still Secretary AND COULD return to the Department to sign the State's papers. Had Andrus dutifully followed Jordan's directive and resigned—he would have been the "former" Secretary and, therefore, no longer had the title of "Secretary." Had Andrus followed Jordan's request, he could not have signed the papers late that evening back at Interior.

Friends of the River files; ("The last-minute fed inclusion of CA's W&SR system.pdf") p. 9.
[224] Ibid., p. 7. "At COB the evening of the 19th, Andrus turned out the lights and left the Department for the last time as Secretary—or so he thought. He went, on invitation of the President and Mrs. Carter and Vice-President Mondale and Joan Mondale, to the WH [White House] to be with the President, Mondale and the Carter Cabinet. It was, in part, a gathering of the Cabinet so Carter could thank them for their service to him, their Departments and the Nation."
[225] *County of Josephine v. Andrus,* Nos. 81-3036; -4030 (9th Cir. January 19, 1981).
[226] Dave Weiman continues the story in his April 19, 2021, email: "White House Switchboard Notified Secretary – Injunction Lifted. Andrus, while with the President and Cabinet at 1600 Pennsylvania Avenue, through the WH switchboard. He was told about the injunction. He was told it was lifted. He was informed that the State's Petition could now be signed." "The last-minute fed inclusion of CA's W&SR system.pdf," p. 7. ("The last-minute fed inclusion of CA's W&SR system.pdf").
[227] Friends of the River files; *Headwaters*, Volume 5, No. 6, January/February 1981, p. 3.

[228] Ibid. "About 15-16 hours remained in the life of the Carter Administration. Andrus immediately departed the WH, returned to the Department (several blocks away), went up to his sixth floor office and signed the papers. As I recall Andrus' retelling of this tale, the Secretary had to commandeer one of the janitors to serve as a witness."
[229] Ibid.

> Night of January 19, 1981. Few knew that Andrus was able to return to the Department and sign the papers elevating the California W&S program into the Federal system. There was no press release. Even if Andrus wanted to issue a statement, there was no one—literally—to process it. And, to be sure there was no tweet, twitter, Facebook or instant messaging. Next day, Inauguration Day. Federal holiday. All Federal buildings were closed. Everything shut down—the City had a once-every-four-year parade to host. Carter Administration passed into history. Ronald Reagan took the oath of office and the new Reagan Administration went to work beginning at noon on the 20th. The morning of January 21—first working day of the RR [Ronald Reagan] Administration—the Interior Department found the State's papers—signed, sealed and very delivered by Secretary Andrus. Andrus' successor, James Watt was formally nominated on January 20th, but wasn't confirmed until the 22nd and sworn in the following day. But, the deed was done.

[230] FR Vol 46. No. 14, Friday, Jan. 23, 1981, p. 7484.
[231] "1981, rest of the year: The plaintiffs immediately resumed the litigation but only Del Norte Co. remained with the water and timber interests. Trinity and Siskiyou counties withdrew. All outstanding cases were combined with Judge Ingram of the Northern District. As to the federal side of the defense, attorneys from the San Francisco offices of the U.S. Attorney and Interior Field Solicitor were replaced by attorneys from the Justice Department, and the Interior Solicitor's office in Washington. Bill Cohen became the lead attorney with Don Bauer of the solicitor's office assisting. This was perceived as keeping the case 'close to the vest', by the new administration, to perhaps affect the eventual outcome." From "The Fight to Save the Designation, January 1981–January 1985, Based on personal observations and records available to Jim Huddlestun, former Rivers Programs Coordinator, Heritage Conservation and Recreation Service (HCRS) and former Regional Environmental Coordinator, National Park Service (NPS), San Francisco, California Offices," October 13, 2011. p. 1. (The Fight to Save the Designation) Friends of the River files; ("THE FIGHT TO SAVE THE DESIGNATION.doc").
[232] "On February 19, [1981,] Interior Secretary Watt announced the abolishment of HCRS and its functions and staff to be absorbed by NPS. Watt had been a director of HCRS's predecessor, the Bureau of Outdoor Recreation, did not like the name change under the previous administration and had indicated he would either change it back or consolidate the agency with the NPS (he also restored the name Bureau of Reclamation from Water and Power Resources Service and restored the buffalo to the departmental seal). On May 31, the transition was completed and the HCRS staff associated with the designation was scattered." ("The Fight to Save the Designation," p. 2.)
[233] Friends of the River files; *Headwaters*, Volume 6, No. 3, August 1981, p. 1.
[234] Personal communication with John Amodio, December 2024. Friends of the River files; *Headwaters*, Volume 6, No. 1, January/February, 1981, p. 9. The *Headwaters* article does not report on the date of the Tuolumne River Preservation Trust's formation.
[235] Friends of the River files; *Headwaters*, Volume 6, No. 2, May 1981, p. 4.
[236] Friends of the River files; *Headwaters*, Volume 6, No. 2, July/August 1981, p. 6. Friends of the River published two separate issues under this volume number, apparently inadvertently.
[237] Friends of the River files; *Headwaters*, Volume 6, No. 2, May 1981, p. 3.
[238] Friends of the River files; ("Voter Information Guide for 1982 Primary (ocr).pdf").
[239] https://home.nps.gov/subjects/rivers/creation-of-nationwide-rivers-inventory.htm. https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm.

[240] The Forest Service came to see the wisdom of undertaking § 5(d) studies in its forest plans through the efforts of Robert Dreher at the Sierra Club Legal Defense Fund with the assistance of American Rivers and, in California, a little help from Friends of the River.
[241] Friends of the River files; *Headwaters*, Volume 6, No. 2, May 1981, p. 10. EBMUD's Mokelumne River dam proposal would also include the Railroad Flat dam on the South Fork Mokelumne.
[242] S. 142, 98th Congress, "A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Tuolumne River in California as a component of the National Wild and Scenic River System," U.S. Senator Alan Cranston, D-CA. Friends of the River files; *Headwaters*, Volume 7, No. 2, March/April 1983, p. 6 and https://www.congress.gov/bill/98th-congress/senate-bill/142.
[243] Ibid., pp. 3–4. ("The Fight to Save the Designation.") "In January [1983], the Brown administration ended and George Deukmejian became governor. The state's position on the designation immediately changed with their withdrawal from the litigation and only leaving token representation by a Department of Water Resources (DWR) attorney. The Environmental Defense Fund (EDF) joins as an intervener with the defendants and is granted standing in the case. This action would turn out to be a key to the final outcome."
[244] *Cnty. of Del Norte v. U.S.*, 19 ERC 1138 (N.D.Cal. 1983).
[245] "As expected, Judge Ingram overturned the decision, again citing the filing error and the lack of consideration of the state's ability to manage, in accordance with the federal act, due to the failure to produce management plans in accordance with the state act. He also rules that adequacy of the EIS documents raised trial able issues. With both the state and federal attorneys restricted on objections or appeal, EDF immediately requests a 30 day stay pending appeal to the 9th Circuit Court of Appeals. This is granted." ("The Fight to Save the Designation," p. 4.)
[246] Friends of the River files; *Headwaters*, Volume 8, No. 2, March/April 1984, p. 1.
[247] Friends of the River files; *Headwaters*, Volume 8, No. 3, May/June 1984, pp. 3–4. On February 9, 1984 Senator Wilson would introduce S. 2290, 98th Congress, "A bill to amend the Act entitled 'An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws', enacted September 2, 1965," U.S. Senator Pete Wilson (R-CA). https://www.congress.gov/bill/98th-congress/senate-bill/2290. On March 21, 1984, Norm Shumway introduced the first of his three Auburn dam bills in the 98th Congress, H.R. 2290, "A bill to amend the Act entitled 'An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws', enacted September 2, 1965," Rep. Norm Shumway (R-Stockton). For a tabular list and passage history of Auburn dam authorization bills from 1965 to 2008, see https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_47.pdf.
[248] There is a dramatic photo by Don Briggs of a panel of witnesses at this hearing testifying and answering questions on the proposed Tuolumne River designation bills; Friends of the River files, (tr.jpg). Seated at the witness table from right to left are the National Audubon Society's Hope Babcock, the Tuolumne River Preservation Trust's John Amodio, the Sierra Club's Russ Shay, Rosa Guinn from Hardin Flat, and actor Richard Chamberlain. Behind them are many notables with roles in the Tuolumne and Merced River wild & scenic river dramas—including one of the authors of this memo.
[249] The Ron Dellums (D-Oakland) Tuolumne River national wild & scenic river designation language can be found in Friends of the River files; ("Merced wild and scenic hearing various 1984.pdf") https://www.congress.gov/bill/98th-congress/house-bill/2474.
[250] The Richard Lehman (D-Fresno) Tuolumne River national wild & scenic river designation language can be found in Friends of the River files; ("Merced wild and scenic hearing various 1984.pdf") https://www.congress.gov/bill/98th-congress/house-bill/5083.
[251] The Tony Coehlo (D-Merced) bill would have designated portions of the Tuolumne River as a national wild & scenic river. It would not have prohibited the construction of a dam and reservoir on the

Tuolumne River from two miles downstream of the Cherry Creek/main stem confluence to the Holm Powerhouse on Cherry Creek and a diversion tunnel from there downstream to near Don Pedro Reservoir. It would also have prohibited the expansion of existing reservoirs in Yosemite National Park and designate the South Fork of the Merced River. As in the Lehman bill, H.R. 5291 did not prohibit new dams on the North, Middle, and South Forks of the Tuolumne River or on the Clavey River. For the bill language, see Friends of the River files; ("Merced wild and scenic hearing various 1984.pdf"). https://www.congress.gov/bill/98th-congress/house-bill/5291.

[252] *Cnty of Del Norte v U.S.* 732 F. 2d. 1462 (9th Cir. 1984). "On May 11, the 9th Circuit announced its decision. The conclusions of Judge Ingram are soundly reversed. The court holds that the filing error was inconsequential to the final outcome, in that the plaintiffs had adequate time to review the FEIS, and noted that the plaintiffs used their own stalling tactics throughout the process in attempts to affect the outcome. They also ruled that the management abilities of the state were adequately addressed and that there appeared to be no trial able issues with the remainder of the process." ("The Fight to Save the Designation," pp. 4–5.)

[253] "On May 11 [1984], the 9th Circuit announced its decision…. Upon this decision, the plaintiffs immediately filed a Writ of Certiorari with the U.S. Supreme Court," ("The Fight to Save the Designation," pp. 4–5.)

[254] P.L. 98-425 §201. https://www.congress.gov/98/statute/STATUTE-98/STATUTE-98-Pg1619.pdf. H.R. 1437 §201, 98th Congress, An act entitled the "California Wilderness Act of 1984, Phillip Burton, D-San Francisco. https://www.congress.gov/bill/98th-congress/house-bill/1437. Raker Act facilities, such as Hetch-Hetchy Reservoir and Early Intake, are excluded from the Tuolumne River wild & scenic river designation. The Yosemite National Park wilderness designations, however, would make reservoir expansions of Yosemite National Park Raker Act facilities illegal under the Wilderness Act.

[255] *Cnty. of Del Norte v. U.S.*, 469 U.S. 1189 (1985).

[256] "On January 21 [1985], the U.S. Supreme Court announced that it would not hear the case, thus upholding the 9th Circuit's ruling of May, 1984. Exactly four years and two days after the original designation decision, it was over. The "fat lady had finally sang", after a contentious period lasting nearly as long as some of the Wagnerian operas. I was spending that night in Grant Grove working on an NPS development plan, having no access to telephone or TV. I heard the news on a poor reception battery radio. There was no one to celebrate with and my celebratory scotch required icing with snow from outside as guest services were at a minimum in the dead of winter." ("The Fight to Save the Designation," p. 5.)

[257] The study provisions of the CAWSRA were added in AB-1301 §2. Friends of the River files; ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").

[258] The CASWRA study provision and direction to study the E. Carson/W. Walker and McCloud Rivers were in AB-3101 §§ 2 & 3. Friends of the River files; (AB-1301) ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf").

[259] AB-1301 §5 eliminated the Eel River study authorizations by including an alternate CAWSRA §5093.56 that did not include the Eel River authorizations. Friends of the River files; ("CAWSRA Statutes of 1972 leg enrolled txt (ocr).pdf.") and ("CAWSRA Statutes of 1986 Chapter 894 (ocr).pdf.").

[260] H.R. 4350 Title V. §501(b)(3)(d). P.L. 99-590. https://www.congress.gov/99/statute/STATUTE-100/STATUTE-100-Pg3330.pdf. H.R. 4350, 99th Congress, Rep. Bruce Vento D-MN. https://www.congress.gov/bill/99th-congress/house-bill/4350. ("1986 WSRA generic amendments").

[261] H.R. 5350 Title V. Ibid., (file). For a discussion on the purpose and effect of the amendments, see pp. 5–8 of the technical report of the Wild & Scenic Rivers Coordinating Council, "Evolution of the Wild & Scenic Rivers Act…" https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-01/wsr-act-evolution.pdf.

[262] *Wilderness Society et. al. v. Tyrell et. al.* 918 F.2d 818 (9th Cir. 1999). https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-01/2aii.pdf. "Designating Wild & Scenic

Rivers Through Section 2(a)(ii) of the Wild & Scenic Rivers Act," 2007, Technical Papers, Interagency Wild & Scenic Rivers Coordinating Council.

[263] *Comments of the Merced Canyon Committee to the Sierra National Forest Regarding the Draft Land and Resource Management Plan*, Ronald M. Stork, principal author and executive director, January 1987. Gary Moon wrote the eligibility analysis and helped to edit a good portion of the report. Dr. Richard Kuntsman developed the feasibility analysis of Mariposa County water development options and access to water. Betty Andrews provided the information for the section on hydropower and California electricity needs. Letty Brouillettee helped to gather the information on ownership patterns on the Merced. All of the maps were created by Walter Sydoriak and Rick Rowe. Grant support for the report was provided by the Yosemite Association. Production assistance was provided by Laurel Anderson, Hilde Heidt, and the Yosemite Park and Curry Company.

[264] Tim Palmer, Committee to Save the Kings River, Donn Furman, executive director, *The Kings River, A Report on its Qualities and its Future*, February 1987. The 187-page report was "to document the qualities of the Kings River above Pine Flat Reservoir and to describe the two proposals for the river's future: one proposal to dam the river, and the other to protect it," p. 1.

[265] P.L. 100-150. https://www.congress.gov/100/statute/STATUTE-101/STATUTE-101-Pg881.pdf. H.R. 799, 100th Congress, "A bill to designate a segment of the Kings River in California as a wild and scenic river," Rep. Richard Lehman, D-Fresno. https://www.congress.gov/bill/100th-congress/house-bill/799. (Kings River wild & scenic river designation.)

[266] P.L. 100-149. https://www.congress.gov/100/statute/STATUTE-101/STATUTE-101-Pg879.pdf. H.R. 317, 100th Congress, "A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System," Rep. Tony Coehlo, D-Merced. https://www.congress.gov/bill/100th-congress/house-bill/317. (Merced wild & scenic river designation.)

[267] P.L. 100-174. https://www.congress.gov/100/statute/STATUTE-101/STATUTE-101-Pg924.pdf. S. 247, 100th Congress, "A bill to designate the Kern River as a national wild and scenic river," U.S. Senator Alan Cranston, D-CA. (N.F. Kern River designation bill.)

[268] Friends of the River files ("Report on Ballot Measure 7 Oregon Scenic Waterway System.pdf").

[269] https://www.congress.gov/bill/100th-congress/senate-bill/2148 P.L. 100-557 §2. Senate 2148, 100th Congress, "Omnibus Oregon Wild and Scenic Rivers Act of 1988," U.S. Senator Mark Hatfield. https://www.congress.gov/bill/100th-congress/senate-bill/2148. (Omnibus Oregon Wild & Scenic Rivers Act.)

[270] Ibid. https://www.rivers.gov/rivers/sites/rivers/files/2022-10/Public%20Law%20100-557.pdf. P.L. 100-557 §§ 102 & 103, WSRA 3(a) & 5(a) rivers (Omnibus Oregon Wild & Scenic Rivers Act.)

[271] Ibid. P.L. 100-557 § 104. https://www.rivers.gov/rivers/sites/rivers/files/2022-10/Public%20Law%20100-557.pdf. https://www.congress.gov/bill/100th-congress/senate-bill/2148. (WSRA 5(d) Klamath River segment.)

[272] Friends of the River files, "CAWSRA Statutes of 1989 (ocr).pdf" (E. Carson, W. Walker designation, McCloud River protection.)

[273] 'Squaw' officially scrubbed from federal use; 80 California sites get new names (ktla.com) https://edits.nationalmap.gov/apps/gaz-domestic/public/all-official-sq-name. https://resources.ca.gov/Newsroom/Page-Content/News-List/California-Continues-Progress-to-Rename-Historically-Offensive-Place-Names. https://mountshastatrailassociation.org/trails/mccloud/squaw-valley-creek/. (Squaw Valley Creek-to-Yét Atwam Creek name change.)
https://www.fs.usda.gov/recarea/stnf/recreation/recarea/?recid=6590&actid=64. (Shasta-Trinity National Forest description of Yét Atwam Creek Trail.)

[274] § 5093.542(b): "No dam, reservoir, diversion, or other water impoundment facility shall be constructed on the McCloud River from Algoma to the confluence with Huckleberry Creek, and 0.25 mile

downstream from the McCloud Dam to the McCloud River Bridge; nor shall any such facility be constructed on Squaw Valley Creek from the confluence with Cabin Creek to the confluence with the McCloud River." (The present-day Squaw Valley Creek-to-Yét Atwam Creek name change not yet incorporated in the CAWSRA.)

[275] § 5093.542(c): "Except for participation by the Department of Water Resources in studies involving the technical and economic feasibility of enlargement of Shasta Dam, no department or agency of the state shall assist or cooperate with, whether by loan, grant, license, or otherwise, any agency of the federal, state, or local government in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery."

[276] § 5093.542(d): "All state agencies exercising powers under any other provision of law with respect to the protection and restoration of fishery resources shall continue to exercise those powers in a manner to protect and enhance the fishery of those segments designated in subdivision (b). In carrying out this subdivision, any exercise of powers shall be consistent with Section 5093.58."

§ 5093.58: "This chapter neither diminishes the power of the secretary or any other state or local official or agency under any other statute, nor conveys any authority, express or implied, to the secretary or any state or local agency, commission, board, or official to adopt or implement any interim or permanent order, rule, regulation, guideline, or directive concerning land use regulation."

[277] § 5093.61: "…All local government agencies shall exercise their powers granted under any other provision of law in a manner consistent with the policy and provisions of this chapter."

[278] § 5093.50 "…It is the policy of the State of California that certain rivers which possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state…."

[279] NOTICE OF PUBLIC HEARING AND PRE-HEARING CONFERENCE, The State Water Resources Control Board Administrative Hearings Office will hold a Pre-Hearing Conference and a Public Hearing on the pending water-right application (A029657) of the County of San Joaquin for a permit to appropriate water from the South Fork American River at the Freeport Regional Water Authority Facility on the Sacramento River, June 10, 2021, p. 2. https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021-06-10_notice_sanjoaquin.pdf.

[280] Friends of the River files; ("Report on Ballot Measure 7 Oregon Scenic Waterway System.pdf").

[281] *Envtl. Def. Fund v. E. Bay Mun. Util. Dist.*, 5 ERC 1295 (Super. Ct. Alameda County, 1973, No. 425955). Friends of the River files; ("Hodge Decision (ocr).pdf").

[282] H.R. 4687, 101st Congress, "To amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System," Rep. Gary Condit D-Modesto. https://www.congress.gov/bill/101st-congress/house-bill/4687.

[283] https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%20101-628.pdf. (Clarks Fork, Wyoming wild and scenic river bill, included in H.R. 2570, 101st Congress, "The Arizona Desert Wilderness Act of 1990," U.S. Senator John McCain, R-Arizona). https://www.congress.gov/bill/101st-congress/house-bill/2570.

[284] For the Sunset Crater National Monument renaming provisions of what would become the Smith River National Recreation Area Act, see § 15, P.L. 101 612. https://www.congress.gov/101/statute/STATUTE-104/STATUTE-104-Pg3209.pdf. https://www.congress.gov/bill/101st-congress/senate-bill/2566. S. 2566, 101st Congress, "Smith River National Recreation Area Act," U.S. Senator John McCain, R-Arizona. The bill at introduction can be found at https://www.congress.gov/bill/101st-congress/senate-bill/2566/text/is. S. 2566, 101st Congress, "A bill to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument," U.S. Senator John McCain, R-Arizona.)

[285] For the Smith River WSRA §3(a) designations, see §10(b), P.L. 101-612. https://www.congress.gov/101/statute/STATUTE-104/STATUTE-104-Pg3209.pdf.

https://www.congress.gov/bill/101st-congress/senate-bill/2566. (S. 2566, 101st Congress, "Smith River National Recreation Area Act," U.S. Senator John McCain, R-Arizona.
[286] For the provisions establishing the Smith River NRA, see §4, P.L. 101-612. Ibid.
[287] For the Hardscrabble Creek WSRA §3(a) designation, see §10(b)( )(Q), P.L. 101-612. Ibid.
[288] For the direction that the wild & scenic river management plan requirements be accomplished by the Smith River NRA plan, see §10(d), P.L. 101-612. Ibid.
[289] For the Smith River NRA mining withdrawal, see §8, P.L. 101-612. Ibid.
[290] The Smith River bill from 101st Congress lame duck session and lame duck Rep. Doug Bosco (D-Occidental) was a very close thing. Dave Weiman tells just how close in his September 4, 2024, email in Friends of the Rivers files (Weiman on Smith River designation):

> Like the North Coast story, what occurred in the last 48 hours—WAS THE DIFFERENCE.
>
> Same is true for the Smith. Again, end-of-session. Smith River bill was given a green light.
>
> But, as such, it got bundled and packaged with bills that COULD NOT get cleared. From memory, the Smith River bill was, at one time or another, bundled with probably six, seven or more bills. None of this will ever show up in the Record. This was all cloakroom wheeling/dealing.
>
> We finally sprung it loose and passed it late on a Saturday night. The Senate needed a clean copy of whatever passed. None of us had the bill—not as PASSED. We had the language, but not the bill.
>
> On Sunday AM, I went up to the Hill before the House convened at noon or 1:00. House would never convene earlier—as it would interfere with Members attending religious services. Couldn't find the bill. And very few bodies around anyway.
>
> Kathy [Lacey]/Cranston were paralyzed. Couldn't do anything until they received a clean copy as passed. No Congressional Record (at the end of session, often days behind. They wouldn't publish and deliver on Sunday anyway. NO ONE HAD IT. NO ONE I COULD FIND.
>
> Kathy was in, at her desk [in California U.S. Senator Alan Cranston's office] and waiting on me.
>
> Finally found Lee McElvain, the Interior Committee's General Counsel. He was in his office in the back of Longworth, just down the hall from 1324 [Longworth HOB]. He said he had it. Now Lee was all but entombed by paper —LOTS of it. STACKS of it. MOUNDS of it. There was so much paper on desks, tables, bookcases, and even the floor and one could walk in and not realize that Lee was at his desk.
>
> When asked, he said, "sure, I have it." Got up, walked over to one of the piles and then suddenly wheeled around and declared, "no….this is not as passed."
>
> Lee then remembered. Late the night before. He finally got a clean bill and managed to pass it. He had a stack of copies, but suddenly it was over. It passed. Job done. Then he remembered, he took the stack of copies and dumped them in a cloakroom trash can—and went home.
>
> He and I realize that the ONLY copies of the bill as passed were in a trash can outside the chamber and inside the cloakroom.

We looked at one another and instantly flung open the door and started running down the long corridor in Longworth, out the front door (still running), across the street to the Capitol, up to the second floor. Lee went into the Cloakroom. I waited outside the Speaker's office. The trash had not yet been picked up. Out came Lee with six or seven copies. The particular trash can was next to a hot dog stand inside the Cloakroom (members and staff only). The papers were dumped into a trash can with the tissue paper wrapped around the hot dogs.

Yeah, mustard and some catsup were smeared on the Smith River bill—at least on some of them. I used a phone in the Speaker's office to call Kathy L. She told me to hurry and meet her in the Capitol. Raced from the House side of the Capitol to the Senate side. She was waiting for me outside an office that manages the floor for Ds. Then dropped a copy off to same office—for the Rs. Bill delivered, but now we were racing against the clock. Within the hour, the H and S would adjourn *Sine Die*, for the year. I went back to the House and called Kathy, now back at her desk. In the intervening minutes, Kathy got the Senate to pass the bill (as passed by the House). Identical versions of the bill, now having passed both chambers would be enrolled (in next several days) and submitted to the President for signature.

Done.

Only way the Smith River was protected, copies of the House-passed version were pulled out of a garbage can in the Cloakroom, mustard smears and all, raced (literally) over to the Senate side of the U.S. Capitol and Kathy's long history and Cranston's leadership became critical. Bill was "walked" through the system—check out line if you will. Bill was called up, passed on a voice vote and the Senate adjourned. It was one of the last bills passed that year.

Footnote; when I got back to the House doors, I went to a phone booth (no longer there). No coins needed. I called Kathy and she told me the bill passed. Just then, Doug Bosco walked by. I called out to him and handed him the phone. Minutes after the bill passed in the Senate, Kathy was able to share the news personally with Bosco. Congress went home—and so did I.

[291] *American River Watershed Investigation Feasibility Report and EIS*, U.S. Army Corps of Engineers, Sacramento District, South Pacific Division, The Reclamation Board, State of California, December 1991.
[292] For, the Department of the Army's non-endorsement of the Auburn dam proposal from the Corps, see the following:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_23.pdf.
[293] *American River Water Resources Investigation, Planning Report and Draft EIS/EIR*, U.S. Bureau of Reclamation, January 1996, p. 1-5. The proposed dam at Auburn would be sandwiched between two state and federally designated wild & scenic river segments of the American River.
[294] P.L. 102-301 §6. https://www.congress.gov/102/statute/STATUTE-106/STATUTE-106-Pg242.pdf. H.R. 2566, 102nd Congress, "Smith River National Recreation Area Act," U.S. Senator John McCain, R-Arizona.
[295] Ibid. P.L. 102-301 §7. https://www.congress.gov/102/statute/STATUTE-106/STATUTE-106-Pg242.pdf. https://www.congress.gov/bill/101st-congress/senate-bill/2566.
[296] H.R. 2431, 102nd Congress, "An Act to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System," Rep. Gary Condit, D-Modesto. https://www.congress.gov/bill/102nd-congress/house-bill/2431.
P.L. 102-432. https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%20102-432.pdf. (Merced River 1992 designation and mining withdrawal.)

[297] Ibid. H.R. 2431 (Rep. Gary Condit, D-Modesto) P.L. 102-432. https://www.rivers.gov/sites/rivers/files/2022-10/Public%20Law%20102-432.pdf. (Merced River 1992 designation and mining withdrawal.)

[298] https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_26.pdf. (U.S. Bureau of Reclamation MF & NF American River canyons wild & scenic river eligibility assessment.)

[299] "Auburn Dam, which is currently under construction, will impound the North and Middle Forks of the American to an elevation of just over 1,100 feet. P.L. 89-161. When the lake is full, it will extend up to about the Colfax-Iowa Hill Bridge." *North Fork American River Waterway Management Plan,* State of California, Resources Agency, Department of Fish and Game, July 1977, p. 3. "In classifying the [state-designated w&s] river for management purposes, the Department of Fish and Game made preliminary designations for the North Fork American River, classifying the entire reach from the Colfax-Iowa Hill Bridge to the source as wild, with one scenic reach in the vicinity of the Cedars." Ibid., p. 7. For the Auburn dam authorization language, see https://www.congress.gov/bill/89th-congress/house-bill/485/text, H.R. 485, 89th Congress, "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California," under Federal reclamation laws. https://www.congress.gov/bill/89th-congress/house-bill/485. The dam was never built, although a large coffer dam was constructed. The coffer dam was washed away in the 1986 and 1987 high water events. Auburn dam lost its water rights in 2008.

[300] Federal Register, March 4, 1994, p. 10423. (Governor Roberts 2(ii) Klamath River petition to Interior Secretary Bruce Babbit.) Of some note, an inset location map of the Bureau of Land Management's online map of the designated Klamath River depicts the designated reach as including an Oregon and a California component. Robert's petition and Babbit's acceptance, obviously, only applies within the state of Oregon. The larger map surrounding the inset map is accurate. See the two map versions at the following URL: https://www.blm.gov/sites/default/files/documents/files/LAK_KlamathWSR_map.pdf.

[301] Friends of the River files; (AB-653) ("CAWSRA Statutes of 1993 Text and Digest (ocr).pdf") (Mill & Deer Creek study bill.)

[302] Friends of the River files; (AB-653 §5) ("CAWSRA Statutes of 1993 Text and Digest (ocr),pdf") (1973 §5093.65 Kings River study provision deletion.)

[303] https://www.congress.gov/100/statute/STATUTE-101/STATUTE-101-Pg881.pdf. https://www.congress.gov/bill/100th-congress/house-bill/799. (Kings River national wild & scenic river designation bill.)

[304] https://www.rivers.gov/rivers/sites/rivers/files/2023-01/klamath-study.pdf. (NPS/BLM Klamath River §2(a)(ii) study.)

[305] https://www.rivers.gov/rivers/sites/rivers/files/2022-10/klamath_FRN%20Vol.59%20No.201.pdf. (Federal Register notice accepting Governor Roberts' 2(a)(ii) request and describing the preceding procedural steps.)

[306] Ibid. (Secretarial acceptance of 11-mile reach of the Oregon wild & scenic river immediately upstream of the California border into the national wild & scenic rivers system under §2(a)(ii) of WSRA.)

[307] https://www.rivers.gov/council. (Introduction to the Interagency Wild & Scenic Rivers Coordinating Council.)

[308] The Wild & Scenic River Council maintains a website with a variety of resources: https://www.rivers.gov.

[309] Friends of the River files; (AB-1413 § 4) ("ab_1413_bill_950724_chaptered.pdf") (Mill & Deer Creek provisions of the Act.)

[310] Friends of the River files; (AB-1413 § 5) ("ab_1413_bill_950724_chaptered.pdf") (Repeal of the Big Chico, Antelope, Mill and Deer Creek study provisions of the Act (5093.548)).

[311] *Supplemental Information Report and EIS,* American River Watershed Project, U.S. Army Corps of Engineers, Sacramento District, The Reclamation Board, State of California, Sacramento Area Flood Control Agency, March 1996.
[312] For two press clippings of the June 27, 1996, Auburn dam House Committee vote, see the following: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_27.pdf. (PDF pp. 11, 12).
[313] See "Bureaucrats Debate May Hamper Auburn Dam, Sacramento Bee," April 2, 1996, https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_27.pdf. (PDF p. 8).
[314] For a Friends of the River retelling of the history of the Auburn dam projects, see the following: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_1corrected.pdf.
[315] See the ROD for the American River Watershed Investigation at the following SWRCB site: https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_28.pdf.
[316] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000SB496. (S.F. Yuba River wild and scenic river state designation.) For a discussion of the California voting that resulted in the Yuba River state w&s river designation bill, see *Headwaters*, Volume 23, Numbers 3 &4, Summer 1999, p. 15 and Fall 1999, pp. 10–11.
[317] https://waterforum.org/history-of-the-water-forum/. https://waterforum.org/wp-content/uploads/2023/02/Water-Forum-Agreement-Update-2015-FINAL-FOR-PRINT2.pdf.
[318] Surface Storage Projects to Be Pursued With Project-specific Study, proposed Shasta Dam expansion, "CALFED Record of Decision, pp. 43-44." https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=5075.
[319] Friends of the River files; *Headwaters*, Summer 2000, p. 7.
[320] Tim Palmer and Ann Vileisis, South Yuba River Citizens League, Mary Haughey, executive director, *The South Yuba, a Wild and Scenic River Report, by the South Yuba River Citizens League,* March 2003. "It is also hoped that this report will illuminate the choices that exist for the South Yuba, and that the information will better enable decision makers to act wisely regarding the future of this exceptional place," p. 5. The report also noted that both the U.S. Forest Service and Bureau of Land Management had completed a preliminary study in 1970 recommending national wild & scenic river status. It also noted that the agencies had found the river to be eligible for designation (free-flowing and possessing outstandingly remarkable values) in 1991 and 1992.
[321] "NOTICE OF PUBLIC HEARING AND PRE-HEARING CONFERENCE, The State Water Resources Control Board Administrative Hearings Office will hold a Pre-Hearing Conference and a Public Hearing on the pending water-right application (A029657) of the County of San Joaquin for a permit to appropriate water from the South Fork American River at the Freeport Regional Water Authority Facility on the Sacramento River, June 10, 2021," pp. 2–4. https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021-06-10_notice_sanjoaquin.pdf.
[322] Friends of the River files; ("Bill Text - AB-1168 Wild and scenic rivers Albion and Gualala Rivers.pdf.")
[323] https://klamathrenewal.org/wp-content/uploads/2021/06/21_0617-FERC-Order-Approving-Transfer-of-License.pdf.
[324] Friends of the River files; ("sb_904_bill_20040916_chaptered.pdf"). See also https://gualalariver.org/river/wild-scenic2.
[325] CALFED authority. P.L. 100-150 §103(d)(1)(A)(i)(I). https://www.congress.gov/108/plaws/publ361/PLAW-108publ361.pdf.
[326] P.L. 109-362 §7(a). https://www.congress.gov/109/statute/STATUTE-120/STATUTE-120-Pg2064.pdf. H.R. 233, 109th Congress, "Northern California Coastal Wild Heritage Wilderness Act," Rep. Mike Thompson, D-Saint Helena. https://www.congress.gov/bill/109th-congress/house-bill/233. (Black Butte River national wild & scenic river designation bill.)

[327] State Water Resources Control Board Auburn dam revocation order. https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/2008/wro2008_0045.pdf.
[328] U.S. Bureau of Reclamation NF & MF American River wild & scenic river eligibility determination. https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/auburn_dam/exhibits/x_26.pdf.
[329] https://regionalparks.saccounty.gov/Parks/Documents/Parks/ARPP06-092617_sm.pdf.
[330] (*American River Parkway Plan* – 2008.) See management, classification, and boundary discussions in pages 4-90–4-92: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/FOTR/for_22.pdf.
[331] "Eastern Sierra and Northern San Gabriel Mountains streams," P.L. 111-11 §1805. https://www.congress.gov/111/plaws/publ11/PLAW-111publ11.pdf. H.R. 146, 111th Congress, "Omnibus Public Land Management Act of 2009," Benjamin Holt, D-New Jersey. https://www.congress.gov/bill/111th-congress/house-bill/146.
[332] Riverside County streams. P.L. 111-11 §1852. https://www.congress.gov/111/plaws/publ11/PLAW-111publ11.pdf. H.R. 146, 111th Congress, "Omnibus Public Land Management Act of 2009," Benjamin Holt, D-New Jersey. https://www.congress.gov/bill/111th-congress/house-bill/146.
[333] https://www.friendsoftheriver.org/wp-content/uploads/2019/09/2009-Westlands-Interior-Agreement-in-Principle.pdf. The Act, of course, prohibits Westlands, an agency of the state, from assisting and cooperating in a project that could adversely affect free-flowing protected portions of the McCloud River (§ 5093.542(c)).
[334] https://klamathrenewal.org/wp-content/uploads/2020/07/Klamath-Basin-Restoration-Agreement-2-18-10.pdf.
[335] "NOTICE OF PUBLIC HEARING AND PRE-HEARING CONFERENCE, The State Water Resources Control Board Administrative Hearings Office will hold a Pre-Hearing Conference and a Public Hearing on the pending water-right application (A029657) of the County of San Joaquin for a permit to appropriate water from the South Fork American River at the Freeport Regional Water Authority Facility on the Sacramento River, June 10, 2021," p. 3. https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021-06-10_notice_sanjoaquin.pdf.
[336] http://www.freeportproject.org/.
[337] https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021-06-10_notice_sanjoaquin.pdf, p. 3.
[338] Denham Merced River dedesignation bill. https://www.congress.gov/bill/112th-congress/house-bill/2578. (H.R. 2578, 112th Congress, "Conservation and Economic Growth Act; To amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes," Rep. Jeff Denham, D-Modesto).
[339] https://www.friendsoftheriver.org/wp-content/uploads/2018/11/Drought-is-over-MID-has-a-plan-Merced-Sun-Star-editorial-April-2-2011.pdf.
[340] https://www.friendsoftheriver.org/wp-content/uploads/2018/11/Water-storage-need-rises-above-the-fuss-Modesto-Bee-editorial-April-5-2011.pdf.
[341] https://www.friendsoftheriver.org/wp-content/uploads/2018/11/Dont-mess-with-wild-and-scenic-Merced-River-Sac-Bee-editorial-June-27-2011.pdf.
[342] https://www.doi.gov/news/pressreleases/interior-department-releases-final-environmental-analysis-on-klamath-river-dam-removal. For supporting material see, https://klamathrenewal.org/wp-content/uploads/2020/05/A7-Full-SDOR-accessible-022216.pdf. "Klamath Dam Removal Overview

Report for the Secretary of the Interior AN ASSESSMENT OF SCIENCE AND TECHNICAL INFORMATION, version 1.1, March 2013." https://www.doi.gov/news/pressreleases/interior-department-releases-final-environmental-analysis-on-klamath-river-dam-removal.

[343] Valadao Merced River dedesignation bill. https://www.congress.gov/bill/113th-congress/house-bill/3964. (H.R. 3964, 113th Congress, "Sacramento-San Joaquin Valley Emergency Water Delivery Act," Title V, §503, Rep. David Valadao, R-Hanford.)

[344] McClintock Merced River dedesignation bill. https://www.congress.gov/bill/113th-congress/house-bill/934. H.R. 934, 113th Congress, "A Bill to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes," Rep. Tom McClintock, R-Elk Grove.

[345] https://www.friendsoftheriver.org/wp-content/uploads/2018/11/Raising-dam-should-be-studied-Modesto-Bee-editorial-3-6-2013.pdf.

[346] https://www.friendsoftheriver.org/wp-content/uploads/2018/11/Open-Closed-Doors-de-designate-Merced-Tuolumne-ws-rivers-Mod-Bee-ed-11-18-2014.pdf. For a discussion of the various Merced national wild & scenic river de-designation bills and other efforts to try to increase storage in McClure Reservoir, see, https://www.friendsoftheriver.org/wp-content/uploads/2018/09/Merced-R-ws-threat-fact-sheet-5-9-15-2018.pdf.

[347] https://legiscan.com/CA/bill/SB1199/2013. (Loni Hancock D-Berkely, 2014 Mokelumne wild & scenic river bill.)

[348] https://pacinst.org/wp-content/uploads/2014/10/Insights-into-Prop-1-full-report-1.pdf. See also Friends of the River files; ("text-of-proposed-law-prop1.pdf") (Commentary and text of the 2014 California Water Bond, Proposition 1.)

[349] California Water Code § 79710 (e) Nothing in this division shall be construed to affect the California Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code) or the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.) and funds authorized pursuant to this division shall not be available for any project that could have an adverse effect on the values upon which a wild and scenic river or any other river is afforded protections pursuant to the California Wild and Scenic Rivers Act or the federal Wild and Scenic Rivers Act. (Provisions of the 2014 California Water Bond.)

[350] https://ballotpedia.org/California_Proposition_1,_Water_Bond_(2014).

[351] Edmund G. "Jerry" Brown Jr. was the 34th and 39th governor of California, serving from 1975 to 1983 and 2011 to 2019. https://en.wikipedia.org/wiki/Jerry_Brown.

[352] https://www.friendsoftheriver.org/wp-content/uploads/2019/09/2014-Westlands-Interior-Agreement-in-Principle.pdf. The Act prohibits Westlands, an agency of the state, from assisting and cooperating in a project that could adversely affect free-flowing protected portions of the McCloud River (§ 5093.542(c)).

[353] https://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=1915. (2014 USBR Shasta Lake Water Resources Investigation EIS materials for Reclamations proposed reservoir expansion over a portion of the McCloud River protected by the California Wild & Scenic Rivers Act.)

[354] Department of the Interior, Bureau of Reclamation, *Shasta Lake Water Resources Investigation, Environmental Impact Statement*, December 2014, pp. 25-40. https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=1915.

[355] Department of the Interior, Bureau of Reclamation, *Shasta Lake Water Resources Investigation*, *Feasibility Report*, July 2015, chapter 9. Although no alternative was recommended, an 18.5-foot dam raise and a 20.5-foot reservoir normal (gross) pool raise was reaffirmed as the preferred alternative. pp. ES-32, 6-7. https://www.usbr.gov/mp/ncao/slwri/docs/feasability/slwri-final-fr-full.pdf.

[356] AB 142_Assembly Bill – INTRODUCED (ca.gov). (Mokelumne w&s potential additions ["study"] bill as introduced).

[357] AB 142_Assembly Bill – CHAPTERED (ca.gov). (Mokelumne w&s potential additions ["study"] bill as passed by legislature).

[358] H.R. 1866, 114th Congress, "The Central Coast Heritage Protection Act," Rep. Lois Capps, D-Santa Barbara. https://www.congress.gov/bill/114th-congress/house-bill/1865. (not passed)
[359] S. 1423, 114th Congress, "Central Coast Heritage Protection Act," U.S. Senator Barbara Boxer, D-California. https://www.congress.gov/bill/114th-congress/senate-bill/1423. (not passed)
[360] *SLWRI Feasibility Report*. https://www.usbr.gov/mp/ncao/slwri/docs/feasability/slwri-final-fr-full.pdf.
[361] Ibid., pp. 6-6–6-8. (Meets Reclamation's feasibility standards.)
[362] Ibid., pp. ES-32, 6-7. (Feasibility Report preferred alternative.)
[363] Ibid., Chapter 9 (No SLWRI recommended alternative.)
[364] Ibid., pp. ES 41-42. (State permitting issues.)
[365] Ibid., pp. ES 44-45. (Prohibition on further state participation in the SLWRI project.)
[366] https://klamathrenewal.org/wp-content/uploads/2020/03/2016.12.31-Executed-and-Amended-Final-KHSA.pdf.
[367] P.L. 114-322. Water Infrastructure Improvements for the Nation Act of 2016 (WIIN). https://www.congress.gov/bill/114th-congress/senate-bill/612/text.
[368] http://www.friendsoftheriver.org/our-work/rivers-under-threat/san-joaquin-threat/. (BLM San Joaquin River Gorge Wild & Scenic recommendation Record of Decision.)
[369] WIIN §4007(b)(4) ENVIRONMENTAL LAWS. — In participating in a federally owned storage project under this subsection, the Secretary of the Interior shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
[370] WIIN §4007(j) "Consistency with State Law: Nothing in this section preempts or modifies any obligation of the United States to act in conformance with applicable State law." §WIIN §4012 Savings Language. Subtitle J, California, can be summarized as follows: the WIIN should not be interpreted or implemented in a manner that preempts state law, affects obligations of the Central Valley Project Improvement Act, changes the Endangered Species Act (ESA), would cause additional adverse effects on listed fish species, and affects obligations of the Pacific Fishery Management Council under the ESA or Magnuson Stevens Act to manage California to Washington coastal fisheries."
[371] §4012. Savings Language

(a) IN GENERAL.—This subtitle shall not be interpreted or implemented in a manner that—

(1) preempts or modifies any obligation of the United States to act in conformance with applicable State law, including applicable State water law;

(2) affects or modifies any obligation under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), except for the savings provisions for the Stanislaus River predator management program expressly established by section 11(d) and provisions in section 11(g); (3) overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project;

(4) would cause additional adverse effects on listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, using the best scientific and commercial data available; or (5) overrides, modifies, or amends any obligation of the Pacific Fisheries Management Council, required by the Magnuson Stevens Act or the Endangered Species Act of 1973, to manage fisheries off the coast of California, Oregon, or Washington.

[372] Reclamation Act § 8 — "That nothing in this Act shall be construed as affecting or is intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or in any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws…"
[373] §3406(a) Amendments to Central Valley Project Authorizations Act of August 26, 1937. — Section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850), as amended, is amended.

(4) By adding at the end the following: "(e) Nothing in this title shall affect the State's authority to condition water rights permits for the Central Valley Project."

§3406(b) "The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under state and federal law, including but not limited to the federal Endangered Species Act, 16 U.S.C. § 1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. (1992 Central Valley Project Improvement Act, §3406(b) (in part), title 34 Public Law 102-575).

[374] https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201720180AB975.

[375] https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201720180AB975.

[376] https://www.congress.gov/bill/115th-congress/house-bill/3039. H.R. 3039, 115th Congress, "San Gabriel Mountains Forever Act of 2017," Rep. Judy Chu. D-Monterey Park. (Not passed.)

[377] https://www.congress.gov/bill/115th-congress/house-bill/4072. H.R. 4072, 115th Congress, "Central Coast Heritage Protection Act," Rep. Salud Carbajal D-Santa Barbara. (Not passed.)

[378] https://www.congress.gov/bill/115th-congress/senate-bill/1959. S. 1959, 115th Congress, "Central Coast Heritage Protection Act," U.S. Senator Kamala Harris, D-California. (Not passed.)

[379] S. 1959 heard in committee. https://www.congress.gov/bill/115th-congress/senate-bill/1959/all-actions. Ibid. (115th Congress California wild & scenic river proposed designation bill) (Not passed.)

[380] https://www.congress.gov/bill/115th-congress/house-bill/6596. H.R. 6596, 115th Congress, "The Northwest California Wilderness, Recreation, and Working Forests Act," Rep. Jared Huffman, D-San Rafael. (Not passed.)

[381] https://resources.ca.gov/CNRALegacyFiles/wp-content/uploads/2018/01/mokelumne-river-wild-and-scenic-study-report.pdf.

[382] https://resources.ca.gov/-/media/CNRA-Website/Files/Programs-and-Projects/AB-142/WS-Final-Combined-Report-and-Appendices.pdf.

[383] https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180SB854.

[384] SB-854 §§ 24 & 25 repealed the earlier provisions of the Mokelumne River w&s river potential additions ("study") and interim protections bill (AB-142 of 2015).

[385] Ibid. SB-854 § 27.

[386] https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201720180AB2975&cversion=20170AB297599INT.

[387] https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201720180AB2975.

[388] https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201720180AB2975.

[389] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2975.

[390] The WIIN requires that Interior has secured a cost-sharing agreement with a non-federal partner before the is a Secretarial determination for commencement of construction. There had been no such agreement. Also, arguably, proposed WIIN projects that are in conflict with law are not susceptible to a Secretarial feasibility determination. See (A) and (B) in the following provisions of the WIIN.

WIIN §4007(b)(3) COMMENCEMENT. — The construction of a federally owned storage project that is the subject of an agreement under this subsection shall not commence until the Secretary of the Interior—

(A) determines that the proposed federally owned storage project is feasible in accordance with the reclamation laws;

(B) secures an agreement providing upfront funding as is necessary to pay the non-Federal share of the capital costs; and

(C) determines that, in return for the Federal cost-share investment in the federally owned storage project, at least a proportionate share of the project benefits are Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges.

[391] Report to the House and Senate Committees on Appropriations, Distribution of Fiscal Year 2017 Funding for Water Conservation and Delivery- Pub. L. 114-322 (Section 4007), Water and Related Resources, Bureau of Reclamation and Discussion of Criteria and Recommendations.," (WIIN Funding Report) http://www.friendsoftheriver.org/wp-content/uploads/2018/03/Adm-rprt-on-2018-CA-reservoir-enlargement-approps-request-ocr.pdf. See pp. 3 and 4 for the "Secretarial Determination for Commencement of Construction for the dam raise."

[392] WIIN §4007(j) "Consistency with State Law: Nothing in this section preempts or modifies any obligation of the United States to act in conformance with applicable State law." WIIN §4007(b)(4) ENVIRONMENTAL LAWS. — In participating in a federally owned storage project under this subsection, the Secretary of the Interior shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). §4012. Savings Language (a) IN GENERAL.— This subtitle shall not be interpreted or implemented in a manner that—
(1) preempts or modifies any obligation of the United States to act in conformance with applicable State law, including applicable State water law;
(2) affects or modifies any obligation under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), except for the savings provisions for the Stanislaus River predator management program expressly established by section 11(d) and provisions in section 11(g); (3) overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project;
Federal Reclamation Act §8 — "That nothing in this Act shall be construed as affecting or is intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or in any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws… " Federal Central Valley Improvement Act §3406(b) "The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under state and federal law, including but not limited to the federal Endangered Species Act, 16 U.S.C. §1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. (1992 Central Valley Project Improvement Act, Public Law 102-575.)

[393] "[T]he impacts would conflict with the State PRC." SLWRI FEIS p. 25-40. (Reclamation FEIS noting that the Shasta Dam raise alternatives are illegal under the California Wild & Scenic Rivers Act.)

[394] Minutes of the February 20, 2018, meeting of the Board of Directors of the Westlands Water District, pp. 11–12. https://www.friendsoftheriver.org/wp-content/uploads/2019/04/WWD-February-2018-board-minutes-ocr.pdf. The Westlands Board had earlier also agreed to agreements in principle to partner with Reclamation on the Shasta Reservoir enlargement in 2009 and 2014. https://www.friendsoftheriver.org/wp-content/uploads/2019/09/2009-Westlands-Interior-Agreement-in-Principle.pdf. https://www.friendsoftheriver.org/wp-content/uploads/2019/09/2014-Westlands-Interior-Agreement-in-Principle.pdf.

[395] https://www.friendsoftheriver.org/wp-content/uploads/2018/06/2018_0308_Board_Minutes_Approved_Post.pdf. http://www.friendsoftheriver.org/wp-content/uploads/2018/03/SLDMWA-letter-to-USBR-re-Shasta-Dam.pdf. (San Luis Delta-Mendota Water Authority authorizing executive director to execute a cost-sharing agreement with Reclamation for the Shasta Reservoir expansion.)

[396] "McCarthy's office wouldn't comment on the rider's specifics. According to sources who have seen draft language, it would exempt the project from a requirement that the federal government not pay more than half the cost of new water storage facilities.

"If the rider is successful, the federal government could shoulder all the cost of the early phases of the project, which would be one of the largest water infrastructure endeavors in decades."

https://www.friendsoftheriver.org/wp-content/uploads/2018/05/GOP-pushing-Shasta-Dam-rider-EE-News-3-16-2018.pdf.

[397] See various press accounts from March 2018 and later for stories about Congressional maneuverings to advance or defeat the proposed dam raise at Legislative/Congressional/Trump Administration attempts to advance the Shasta Dam – Press and Related Documents at the Friends of the River website. https://www.friendsoftheriver.org/our-work/rivers-under-threat/sacramento-threat-shasta/.

[398] CA Natural Resources Secretary John Laird letter to Congress. https://www.friendsoftheriver.org/wp-content/uploads/2018/04/Shasta-Dam-letter-3.13.18_LLM.pdf.

[399] https://www.friendsoftheriver.org/wp-content/uploads/2018/05/The-Politics-of-Why-Cong-Dems-Scuttled-Shasta-Dam-expansion-GV-Wire-3-20-2018.pdf.

[400] http://www.friendsoftheriver.org/our-work/rivers-under-threat/san-joaquin-threat/. ("San Joaquin River Gorge – Wild & Scenic (W&S) recommendation documents") https://www.friendsoftheriver.org/wp-content/uploads/2016/01/BLM-SJRG-WSR-Recommendation.pdf. https://www.friendsoftheriver.org/wp-content/uploads/2016/05/Appendix-J-WSR-Suitability-Rpt.pdf.

[401] http://www.friendsoftheriver.org/wp-content/uploads/2018/03/Final-letter-to-SLDMWA-re-Shasta-Dam-PRC-violation-3-22-18.pdf. (CAWSRA violation letter to the San Luis and Delta-Mendota Water Authority.)

[402] https://www.friendsoftheriver.org/wp-content/uploads/2018/05/Jon-Rubin-op-ed-Fresno-Bee-4-10-2018.pdf. (Jon Rubin op ed.)

[403] H.R. 6596, 115th Congress, "The Northwest California Wilderness, Recreation, and Working Forests Act," Jared Huffman, D-San Rafael. https://www.congress.gov/bill/115th-congress/house-bill/6596.

[404] Westlands Shasta Reservoir Expansion Project EIR Scoping notice. https://www.friendsoftheriver.org/wp-content/uploads/2018/12/shasta-dam-raise-eir-press-release.pdf.

[405] https://www.friendsoftheriver.org/wp-content/uploads/2019/01/FOR-et-al-scoping-comments-SDRP-rev2.pdf.
https://www.friendsoftheriver.org/wp-content/uploads/2019/01/CalWild-Shasta-Dam-Raise-Scoping-Comments.pdf.
https://www.friendsoftheriver.org/wp-content/uploads/2019/01/Scoping-Comments-on-WWD-CEQA_A1b.pdf.

[406] See "Review of the Initial Study and Notice of Preparation for the Shasta Dam Raise Project, State Clearinghouse Number 2018111058, Shasta and Tehama Counties," from Tina Bartlett, Regional Manager, California Department of Fish & Wildlife, November 14, 2018, pp. 4 & 5. https://www.friendsoftheriver.org/wp-content/uploads/2019/01/CEQA-2018-0321_SHA_TEH_WWD_Shasta-Dam-Raise-Project_NOP-ocr.pdf.

[407] CA Public Resources Code § 5093.542(c).

[408] See Comments on Westlands Water District's Initial Study/notice of Preparation for the Shasta Dam Raise Project, Shasta County, from Eileen Sobeck, Executive Director, State Water Resources Control Board, November 14, 2018, pp. 1–3. https://www.friendsoftheriver.org/wp-content/uploads/2019/01/WQC_NFisch.JKSahota.-Comments-on-Shasta-Dam-Raise-Project.pdf.

[409] Friends of the River files; ("SFPUC VSA Doc. 12-11-19092 (ocr).pdf").

[410] https://www.congress.gov/bill/116th-congress/house-bill/2199. H.R. 2199, "Central Coast Heritage Protection Act," Rep. Salud Carbajal, D-Santa Barbara." (Not passed.)

[411] https://www.congress.gov/bill/116th-congress/house-bill/2199/all-actions. (Not passed.)

[412] https://www.congress.gov/bill/116th-congress/senate-bill/1111. S. 1111, 116th Congress, "Central Coast Heritage Protection Act," U.S. Senator Kamala Harris, D-California. (Not passed.)

[413] https://www.congress.gov/bill/116th-congress/house-bill/2215. H.R. 2216, 116th Congress, "San Gabriel Mountains Foothills and Rivers Protection Act," Rep. Judy Chu, D-Monterey Park. (Not passed.)
[414] (https://www.congress.gov/bill/116th-congress/senate-bill/1109. S. 1109, 116th Congress, "San Gabriel Mountains Foothills and Rivers Protection Act," U.S. Senator Kamala Harris, D-California. (Not passed.)
[415] https://www.congress.gov/bill/116th-congress/house-bill/2250. H.R. 2250, 116th Congress, "Northwest California Wilderness, Recreation, and Working Forests Act," Rep. Jared Huffman, D-San Rafael. (Not passed.)
[416] https://www.congress.gov/bill/116th-congress/senate-bill/1110. S. 1110, 116th Congress, "Northwest California Wilderness, Recreation, and Working Forests Act," U.S. Senator Kamala Harris, D-California. (Not passed.)
[417] https://www.congress.gov/bill/116th-congress/house-bill/2546.
H.R. 2546, 116th Congress, "Protecting America's Wilderness Act," Diana DeGette, D-Colorado. (Not passed.)
[418] https://www.congress.gov/116/bills/s3288/BILLS-116s3288is.pdf. S. 3288, 116th Congress, "Public Lands Act," U.S. Senator Kamala Harris D-CA. https://www.congress.gov/bill/116th-congress/senate-bill/3288. (Consolidated CA national wild & scenic river proposed designation bill) (Not passed.)
[419] For Friends of the River *et al.* complaint, see https://www.friendsoftheriver.org/wp-content/uploads/2019/05/2019-0513-FOR-et-al-Shasta-Dam-Complaint-ocr.pdf. For FOR *et al.* joint press release, see https://www.friendsoftheriver.org/wp-content/uploads/2019/05/Joint-Press-Release_Shasta_Final.pdf. For Friends of the Rivers' press release, see https://www.friendsoftheriver.org/wp-content/uploads/2019/05/Press-Release-Suit-Filed-to-Stop-Shasta-Dam-Raise.pdf. For Earthjustice's press release, see https://earthjustice.org/news/press/2019/fishing-and-conservation-groups-sue-country-s-largest-agricultural-water-district-over-illegal-plot-to-raise. For the CA Attorney General's press release, see https://oag.ca.gov/news/press-releases/attorney-general-becerra-sues-westlands-water-district-block-unlawful-shasta-dam. For the CA Attorney General's complaint, see https://www.friendsoftheriver.org/wp-content/uploads/2019/05/people-v-westlands-complaint-declaratory-injunctive-relief-shasta-dam-ocr.pdf.
[420] https://www.friendsoftheriver.org/wp-content/uploads/2019/06/2019-0612-AGs-Memo-ISO-Motion-for-PI.pdf. (CA Attorney General's request for a preliminary injunction against Westlands Water District's EIR and other cooperation with Reclamation's Shasta Dam and Reservoir Enlargement Project.)
[421] https://www.friendsoftheriver.org/wp-content/uploads/2019/08/2019-0731-Order-Granting-PI.pdf.
The order was proceeded by the long tentative ruling: https://www.friendsoftheriver.org/wp-content/uploads/2019/08/2019-07-28-Tentative-Ruling-on-PI.pdf.
[422] https://www.friendsoftheriver.org/wp-content/uploads/2019/09/Cal-Supremes-weigh-in-on-Shasta-case-Redding-Searchlight-9-25-2019.pdf.
[423] https://www.friendsoftheriver.org/wp-content/uploads/2019/09/Westlands-terminates-Shasta-Dam-raise-EIR-Mavens-Sept-30-2019.pdf.
[424] https://www.friendsoftheriver.org/wp-content/uploads/2019/10/Westlands-drops-EIR-will-do-CA-WSRA-analysis-Politico-9-30-2019.pdf.
[425] https://www.friendsoftheriver.org/wp-content/uploads/2019/11/2019-11-07-FILED-Stipulation-for-Entry-of-Judgment.pdf.
[426] https://www.friendsoftheriver.org/wp-content/uploads/2019/11/2019-1120-Notice-of-Entry-of-Stipulated-Judgment.pdf.

[427] https://www.friendsoftheriver.org/wp-content/uploads/2019/07/2019-0716-Westlands-Opposition-to-PI-Motion.pdf.
[428] https://www.friendsoftheriver.org/wp-content/uploads/2020/02/McCarthy-Announces-Funding-Mojave-Desert-News-Feb-4-2020.pdf.
[429] S. 47 § 1457(b) P.L. 116-9. S. 47 § 1457(b), 116th Congress, "John D. Dingell, Jr. Conservation, Management, and Recreation Act," U.S. Senator Lisa Murkowski, I-Alaska. https://www.congress.gov/bill/116th-congress/senate-bill/47. ("Whitewater River, Surprise Canyon and Holcome Creeks.")
[430] Ibid. S. 47 § 1457(a) P.L. 116-9 ("Amargosa River.")
[431] P.L. 116-9. "John D. Dingell, Jr. Conservation, Management, and Recreation Act," (S. 47, Lisa Murkowski I-Alaska) https://www.congress.gov/bill/116th-congress/senate-bill/47/text.
[432] California Water Forum in Tulare (Feb. 18, 2020), https://kmph.com/news/local/water-forum-in-tulare?2-18.
(minute 33:30-35:00).
[433] https://www.friendsoftheriver.org/wp-content/uploads/2020/02/Trump-delivers-not-so-says-Newsom-Fresno-Bee-Nov-19-2020.pdf.
[434] https://www.friendsoftheriver.org/wp-content/uploads/2020/02/Trump-February-2020-memo.docx.
[435] https://www.friendsoftheriver.org/wp-content/uploads/2020/08/USBR-we-obey-tweet.png https://twitter.com/usbr/status/1232804668952195073.
[436] https://www.friendsoftheriver.org/wp-content/uploads/2020/06/Chairwoman-Kaptur-Letter-WIIN-Storage-06-22-20.pdf.
[437] https://www.friendsoftheriver.org/wp-content/uploads/2020/08/USBR-Shasta-Dam-raise-dEIS-press-release-Aug-6-2020.pdf https://www.friendsoftheriver.org/wp-content/uploads/2020/10/SLWRI-Draft-Supplemental-EIS.pdf.
[438] https://www.virtualpublicengagement.com/usbr_shasta/highlights.html.
[439] For a full discussion of Reclamation's aberrant California Wild & Scenic Rivers analysis, see Comments of Friends of the River et al. on the SLWRI DSEIS, October 5, 2020, particularly in pages 25–50. https://www.friendsoftheriver.org/wp-content/uploads/2021/02/FOR-et-al-SLWRI-DSEIS-comments.pdf.
[440] https://www.friendsoftheriver.org/wp-content/uploads/2020/10/10-5-20_SWRCB-Comments-on-SLWRI-Draft-SEIS.pdf. (SWRCB comments on 2020 Reclamation draft supplemental Shasta Dam Raise EIS.)
[441] https://www.friendsoftheriver.org/wp-content/uploads/2020/10/Shasta_Dam_Raise_Supplemental_DEIS_ltr_FINAL.pdf. (CA DFW comments on 2020 Reclamation draft supplemental Shasta Dam Raise EIS.)
[442] https://www.friendsoftheriver.org/wp-content/uploads/2020/10/2020-10-05-FINAL-comment-letter-on-Shasta-Dam-SEIS-letterhead.pdf. (CA Attorney General's comments on 2020 Reclamation draft supplemental Shasta Dam Raise EIS.)
[443] https://www.friendsoftheriver.org/wp-content/uploads/2020/10/FOR-Exhibit-03-PPT-on-Post-Raise-Seismic-Loads-Feb-2019.pdf. https://www.friendsoftheriver.org/wp-content/uploads/2020/10/FOR-Exhibit-04-PPT-on-seismic-schedule-March-2019.pdf.
[444] https://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=73146. https://www.friendsoftheriver.org/wp-content/uploads/2021/01/2020-11-19-Trump-administration-finalizes-Shasta-Dam-raise-EIS-USBR.pdf.
[445] https://www.friendsoftheriver.org/wp-content/uploads/2020/12/SLWRI-Final-Supplemental-EIS_toEPA.pdf.pdf.

[446] https://www.friendsoftheriver.org/wp-content/uploads/2020/12/2020-12-3-Trumps-QAnon-of-water-projects-EE-News.pdf. https://www.msn.com/en-us/news/us/lame-duck-groups-bash-trump-administration-report-on-raising-the-height-of-shasta-dam/ar-BB1bmGz0.
[447] https://www.friendsoftheriver.org/wp-content/uploads/2021/01/2020-12-20-Trump-administration-advances-western-water-USBR.pdf.
[448] https://www.friendsoftheriver.org/wp-content/uploads/2020/12/BILLS-116HR133SA-RCP-116-68-Reclamation-provisions.pdf. See section 208.
[449] The Klamath River dams surrender application had been submitted to FERC in the previous month. https://klamathrenewal.org/wp-content/uploads/2020/11/Klamath-Amended-Surrender-Application-2020-11-17.pdf.
[450] https://www.friendsoftheriver.org/wp-content/uploads/2021/01/Reclamation_SLWRI_FSEIS_Transmittal_01122021_McClintock-ocr.pdf.
[451] https://www.congress.gov/bill/117th-congress/house-bill/693. H.R. 693, 117th Congress, "San Gabriel Mountains Foothills and Rivers Protection Act," Rep. Judy Chu, Monterey Park. (Not passed.)
[452] https://www.congress.gov/bill/117th-congress/house-bill/878. H.R. 878, 117th Congress, "Northwest California Wilderness, Recreation, and Working Forests Act," Rep. Jared Huffman, D-San Rafael. (Not passed.)
[453] https://www.congress.gov/bill/117th-congress/house-bill/973. H.R. 973, 117th Congress, "Central Coast Heritage Protection Act," Rep. Salud Carbajal, D-Santa Barbara. (Not passed.)
[454] https://www.congress.gov/bill/117th-congress/house-bill/803. H.R. 803, 117th Congress, "Protecting America's Wilderness and Public Lands Act," Rep. Diana DeGette, D-Colorado. (Not passed.)
[455] https://www.congress.gov/bill/117th-congress/senate-bill/1459. S. 1459, 117th Congress, "Protecting Unique and Beautiful Landscapes by Investing in California Lands Act or the PUBLIC Lands Act," U.S. Senator Alex Padilla, D-California. (Not passed.)
[456] https://www.congress.gov/bill/117th-congress/house-bill/980. H.R. 980, 117th Congress, "Southwestern Oregon Watershed and Salmon Protection Act of 2021," Rep. Peter DeFazio, D-Eugene OR. (Not passed.)
[457] "2021-3-09 Notice of Public Hearing and Pre-hearing Conference," SWRCB Administrative Hearings Office, June 10, 2021, p. 5. "The County also confirmed that it had not obtained a right of access to the Freeport Diversion Facility as a point of diversion for the project and that it intends to further investigate the feasibility of using the head of the Folsom South Canal at Lake Natoma as an alternative point of diversion."
https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021-06-10_notice_sanjoaquin.pdf.
[458] https://www.congress.gov/bill/117th-congress/senate-bill/1538. S. 1538, 117th Congress, "Smith River National Recreation Area Expansion Act," U.S. Senator Jeff Merkley D-OR. (Not passed)
[459] MER2021_FINAL_Report_ReducedSize-1-1.pdf (americanrivers.org).
[460] www.AmericanRivers.org/McCloudRiver2021.
[461] https://www.friendsoftheriver.org/wp-content/uploads/2021/02/OR-et-al-SLWRI-DSEIS-comments.pdf, p. 1.
[462] Under IIJA §40902(a)(1)(A)(i) and §40902(a)(1)(A)(ii), §40902(1) feasibility studies are authorized for this project on the basis of prior study authorization (PL 96-375 §2). Under IIJA §40902(2)(A) (Congressional authorization required) and §40902(2)(B)(i) (Congressional failure to approve Secretarial construction recommendation) and the similar §40902(2)(C)(i), construction appropriations for the Shasta Dam raise are not authorized by the IIJA.
[463] https://www.friendsoftheriver.org/wp-content/uploads/2022/01/2021-BIB-IIJA-Title-IX-sec-40901.pdf.
[464] H.R. 7239, 117th Congress, "Smith River National Recreation Area Expansion Act," Jared Huffman, D-San Rafael. https://www.congress.gov/bill/117th-congress/house-bill/7329.

[465] https://www.congress.gov/bill/117th-congress/senate-bill/1538. S. 1538, 117th Congress, "Smith River National Recreation Area Expansion Act," U.S. Senator Jeff Merkley, D-Oregon.
[466] (Proposed order, cancelling Water rights application on S.F. American River upstream of designated wild & scenic river reach.)
https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2022/2022-05-27-Proposed-Order-(San-Joaquin-County-Application-29657).pdf.
[467] (Final order, cancelling Water rights application on S.F. American River upstream of designated wild & scenic river reach.)
https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2022/2022-07-19-order-wr-2022-0165.pdf.
[468] https://www.friendsoftheriver.org/wp-content/uploads/2022/08/2022-8-16-CA-House-Republicans-pitch-Newsom-on-Shasta-Res-expansion-Sac-Bee.pdf.
[469] https://klamathrenewal.org/wp-content/uploads/2022/08/22_0826-3006_P-14803-Final-EIS-Lower-Klamath-Hydrpelectric-Project.pdf. (FERC Klamath River dams license surrender EIS.)
[470] https://klamathrenewal.org/wp-content/uploads/2022/11/P-2082-063-License-Surrender-Order.pdf. (FERC Klamath River dams license surrender order.)
[471] https://valadao.house.gov/news/documentsingle.aspx?DocumentID=495.
[472] https://www.congress.gov/bill/118th-congress/house-bill/215.
[473] STORAGE.—Section 4007 of the Water Infrastructure Improvements for The Nation Act (Public Law 6 114–322) is amended— in subsection (i), by striking ''January 1,12 2021'' and inserting ''January 1, 2028''. (WATER for California §304(a)(1)).
[474] FUNDING.—In accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322), and as recommended by the Secretary in letters dated February 13, 2019; June 22, 2020; and December 3, 2020; funds made available in the Water and Related Resources account for the Bureau Reclamation in Acts of appropriation for fiscal years 2017, 2018, 2019, 2020, and 2021 shall be made available to the Shasta Dam and Reservoir Enlargement Project. (WATER for California §305(a)).
[475] Section 40902(a)(2) of the Infrastructure Investment and Jobs Act (Public Law 117–58) is amended—(1) in subparagraph (B)—(A) in the matter preceding clause (i), by striking ''this Act, except for any project for which—'' and inserting ''this Act; or''; and (B) by striking clauses (i) and (ii); and (2) in subparagraph (C), by striking ''(except that projects described in clauses (i) and (ii) of subparagraph (B) shall not be eligible)''. (WATER for California §301).
[476] CLARIFICATION.—No provision of State law shall preclude or otherwise prevent any public water agency, including a public agency of the State, that contracts for the delivery of CVP water from assisting or cooperating with, whether by loan, grant, license, or otherwise, the planning and construction of any project undertaken by the Bureau of Reclamation to enlarge Shasta Dam. (WATER for California §305(b)) (See CA Public Resources Code § 5093.542(c).)
[477] https://www.friendsoftheriver.org/wp-content/uploads/2023/06/Opposition-Letter-to-H.R.-215_042423.pdf.
[478] https://www.congress.gov/bill/118th-congress/house-bill/215/all-actions.
[479] https://docs.house.gov/meetings/AP/AP10/20230615/116119/BILLS-118--AP--EnergyWater-FY24EnergyWaterSubcommitteeMark.pdf. See page 64, Title V "Water for California" Sec. 501.
[480] https://www.friendsoftheriver.org/wp-content/uploads/2023/11/2023-10-26-Section-531-House-Energy-Water-Approps-bill.docx.
[481] https://www.congress.gov/bill/118th-congress/senate-bill/1776. S. 1776, 118th Congress, "The Public Lands Act," U.S. Senator Alex Padilla, D-California. (Not passed.)
[482] https://www.whitehouse.gov/wp-content/uploads/2023/10/H.R.-4394-Energy-and-Water-Development-and-Related-Agencies-Appropriations-Act-2024.pdf.
[483] https://valadao.house.gov/news/documentsingle.aspx?DocumentID=908.

[484] https://www.congress.gov/bill/118th-congress/senate-bill/162. S. 162, 118th Congress, "Smith River National Recreation Area Expansion Act," U.S. Senator Jeff Merkley, D-Oregon. (Not passed.)
[485] https://carbajal.house.gov/news/documentsingle.aspx?DocumentID=1413. https://www.congress.gov/bill/118th-congress/house-bill/2545. H.R. 2545, 118th Congress, "Central Coast Heritage Protection Act," Rep. Salud Carbajal, D-Santa Barbara.
[486] https://chu.house.gov/media-center/press-releases/rep-chu-and-sen-padilla-introduce-legislation-expand-san-gabriel. https://www.congress.gov/bill/118th-congress/house-bill/3681. H.R. 3681, 118th Congress, "San Gabriel Mountains Protection Act, Rep. Judy Chu, D-Monterey Park."
[487] https://www.congress.gov/bill/118th-congress/house-bill/3700. H.R. 3700, 118th Congress, "Northwest California Wilderness, Recreation, and Working Forests Act," Rep. Jared Huffman, D-San Rafael.
[488] https://www.congress.gov/bill/118th-congress/senate-bill/1776. (S. 1776, 118th Congress, "Public Lands Act," U.S. Senator Alex Padilla, D-California. (Consolidated CA national wild & scenic river proposed designations bill).
[489] https://www.congress.gov/bill/118th-congress/house-bill/5004. H.R. 5004, 118th Congress, "Southwestern Oregon Watershed and Salmon Protection Act of 2023," Rep. Val Hoyle, D-Springfield Oregon.
[490] https://www.congress.gov/bill/118th-congress/house-bill/6595. H.R. 6595, 118th Congress, "Smith River National Recreation Area Expansion Act," Rep. Val Hoyle," D-Springfield Oregon.
[491] https://www.congress.gov/bill/118th-congress/house-bill/4366. (This 2024 appropriations bill did not contain provisions preempting the McCloud River protection provisions of the California Wild & Scenic Rivers Act.)
[492] H.R. 9747, the Continuing Appropriations and Extensions Act, 2025, https://www.congress.gov/bill/118th-congress/house-bill/9747, passed on September 26, 2024. It funds the federal government from October 1, 2024, through December 20, 2024.
[493] https://duarte.house.gov/news/documentsingle.aspx?DocumentID=1482. https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=416448. https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=416414. For a YouTube video of the Congressional House field hearing, in part, to discuss the extension of the Folsom-South canal, see https://youtu.be/MaBmlbYWdXI.
[494] For a map and description of Rep. John Duarte's (R-Modesto) Folsom-South Canal expansion idea, see the House Natural Resource's Committee staff memo for the hearing: https://naturalresources.house.gov/uploadedfiles/hearing_memo_--_sub_on_wwf_ov_field_hrg_on_ca_water_09.06.24.pdf, p. 9.
[495] For a discussion of the history of the Folsom-South Canal, see https://www.friendsoftheriver.org/wp-content/uploads/2022/01/FOR-witness-statement-SJ-County-Appl-29657-FOR-2021-x-1.pdf, pp. 5–13, especially pp. 12–13.
[496] Policy 4.3 of the American River Parkway/wild & scenic river plan says the following: "New surface water diversions that deplete flows in the lower American River, whether by execution of a new contract or new water right, to serve entities in counties outside the American River Watershed are inconsistent with this American River Parkway Plan." Friends of the River files; ("ARPP08 Water-Flood elements.pdf").
[497] https://gvwire.com/2024/12/03/adam-gray-victorious-in-ca-13-congressional-race-duarte-concedes/.
[498] https://www.congress.gov/bill/115th-congress/house-bill/3039. H.R. 3039, 115th Congress, "San Gabriel Mountains Forever Act of 2017," Rep. Judy Chu. D-Monterey Park. https://www.congress.gov/bill/115th-congress/house-bill/4072. H.R. 4072, 115th Congress, "Central Coast Heritage Protection Act," Rep. Salud Carbajal D-Santa Barbara. https://www.congress.gov/bill/115th-congress/senate-bill/1959. S. 1959, 115th Congress, "Central Coast Heritage Protection Act," U.S. Senator Kamala Harris, D-California.

[499] H.R. 1866, 114th Congress, "The Central Coast Heritage Protection Act," Rep. Lois Capps, D-Santa Barbara. https://www.congress.gov/bill/114th-congress/house-bill/1865. S. 1423, 114th Congress, "Central Coast Heritage Protection Act," U.S. Senator Barbara Boxer, D-California. https://www.congress.gov/bill/114th-congress/senate-bill/1423.

[500] https://legiscan.com/CA/text/AB43/id/3029594 (Assemblyman Nick Schultz 2024–26 bill to remove the sunset clause of § 5093.71 created by AB-2572 in 2018.)

[501] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2975 (2018 AB-2572, Assemblywoman Laura Friedman creating CAWSRA § 5093.71)

[502] https://www.friendsoftheriver.org/wp-content/uploads/2025/03/202520260AB43_AB_43_ABPCA_12-02-2024_Assembly_Natural_Resources_Committee_184588.pdf. (March 2025 Assembly Natural Resources Committee Analysis on AB-43.)

[503] https://legiscan.com/CA/rollcall/AB43/id/1525415. (Assembly Natural Resources Committee March 24, 2025, 11-0-3 AB-43 vote.) Memo authors Ronald Stork and Steve Evans offered testimony in favor of this bill.

[504] https://www.friendsoftheriver.org/wp-content/uploads/2025/01/2025-1-20-Putting-People-over-Fish-presidential-memorandum.pdf.

[505] https://www.friendsoftheriver.org/wp-content/uploads/2025/01/2025-1-24-CA-water-fire-presidential-EO.pdf.

[506] https://www.headwatersonline.org/the-river-advocate/trump-declares-war-on-california-water, https://www.youtube.com/watch?v=FuJkhVISVb0. [43:30 – 44:45]