Mokelumne Wild and Scenic River dies in Assembly Appropriations Committee

On Thursday, August 14, the Assembly Appropriations Committee failed to act on Senate Bill 1199, which would have protected about 37 miles of the North Fork and main stem Mokelumne River with state Wild and Scenic River designation. Due to a legislative deadline, the committee’s inaction effectively kills the bill’s chances for being enacted this year by stopping it from progressing to a vote of the full Assembly. The bill was authored by Sen. Loni Hancock of Oakland and co-sponsored by Friends of the River and the Foothill Conservancy. It was introduced in February in response to a unanimous vote of the Calaveras County Board of Supervisors seeking State Wild & Scenic River protection for the Mokelumne.

Earlier this year, SB 1199 passed through the Senate Natural Resources Committee and Appropriations Committee, the full Senate, and the Assembly Natural Resources Committee. Ultimately, the bill was held hostage in the Assembly Appropriations Committee by Amador and Calaveras County water agencies and Amador County, which wanted the unlimited ability to develop more water supplies from the upper Mokelumne watershed regardless of harm to the river’s water quality and its unique cultural, historical, scenic and recreational values. Their demands would have created a “Wild and Scenic River in Name Only,” providing the Mokelumne with less protection than any other California state Wild and Scenic River.

“SB 1199 would have allowed local water agencies to develop their upstream water supplies as long as they didn’t harm the river,” stated Katherine Evatt, President of the Foothill Conservancy. “But the water agencies couldn’t tolerate any additional protection for the Mokelumne,” she noted, “That means we’ll have to work harder than ever to protect the river until we finally secure real Wild and Scenic River protection.

While the Senate Appropriations Committee earlier found no fiscal impact from the bill, the Assembly’s fiscal committee relied on unsubstantiated and undocumented fiscal impacts put forward by the Amador Water Agency’s lobbyist and moved the bill to the “suspense file,” which set the stage for Thursday’s committee inaction. Neither of the two state agencies that would allegedly incur costs from the bill provided a fiscal analysis to the committee, according to those agencies’ legislative staff.

Recommendations for all bills in the suspense file come from the Committee Chairman, Mike Gatto (D-Burbank). Since SB 1199’s fiscal impacts were demonstrably speculative, if not completely false, and no policy concerns were identified, it appears that Gatto’s decision was based solely on his working relationship with Vice-Chairman Frank Bigelow. Bigelow opposed the bill and early this year, failed to act on Calaveras County’s request that he introduce legislation to protect the river with Wild and Scenic River designation.
“Protection for the Mokelumne River deserved a straight up and down vote in the Assembly on its merits, rather than being consigned to the suspense file by the Appropriations Committee,” said Steve Evans, Wild Rivers Consultant for Friends of the River. “Bill opponents lost in two policy committees and on the Senate floor, so they used a procedural strategy based on bogus fiscal impacts to sideline SB 1199 in the Assembly Appropriations Committee. The bill’s demise, at least for now, is a classic example of politics triumphing over good public policy in the California Legislature,” he said.

The committee’s inaction came on the heels of Monday’s East Bay Municipal Utility District decision to support the bill with a set of amendments sent to the committee by Sen. Hancock. Since the bill was first introduced, amendments had been adopted or proposed to address the concerns of PG&E, EBMUD, the Roaring Camp mining resort, Amador County and foothill water agencies. The only unresolved issue was the foothill water agencies’ and county’s demand that their projects be excluded from all of the provisions of the California Wild and Scenic Rivers Act.

Even though they were under significant pressure from local water agencies to rescind their vote, the Calaveras County Board of Supervisors resoundingly reaffirmed their support of SB 1199 two weeks ago. “Protecting the Mokelumne as a recreational resource and visitor destination is too important to leave the river’s future in the hands of greedy outside water interests,” said Calaveras County Supervisor Chris Wright. “I want this river to be there for my children and grandchildren.”

SB 1199’s co-sponsors are disappointed with the turn of events, but encouraged that the bill moved as far as it did in this drought and election year, in which enacting a river protection measure was a real challenge. The bill moved the effort to secure permanent protection for the Mokelumne River from Salt Springs Dam to Pardee Reservoir closer to reality than at any time since the river was first found eligible for Wild and Scenic protection, in 1990.

“Senator Hancock deserves our warm thanks for introducing this bill to protect our backyard river and all the local residents and activists throughout the state who mobilized in support of the legislation can be proud of the progress we made,” said Cecily Smith, Executive Director of the Foothill Conservancy.

As the bill co-sponsors, the Foothill Conservancy and Friends of the River will confer with Senator Hancock in the next few weeks about whether protection of the Mokelumne River will be revisited in the California Legislature’s 2015-16 session.

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