

New top court hearing asked on dam

The Environmental Defense Fund charged today that the U.S. Army Corps of Engineers deliberately misled the U.S. Supreme Court last spring in trying to stop an EDF action aimed at halting construction of the \$300 - million New Melones Dam.

The EDF asked the top court for a new hearing, claiming the evidence for its charge is in a Justice Department brief filed in another case.

EDF staff scientist Gerald Meral said U.S. Atty. Dwayne Keyes wrote in a memorandum that the corps was "clearly incorrect" when it told the Supreme Court that water storage limits imposed by the California Water Resources Control Board would only slightly reduce beneficial uses of the dam.

The memorandum was filed two weeks ago in a landmark case that will decide whether the federal government can preempt state water decisions.

The EDF began its legal activities aimed at halting the 62-story dam three years

ago. It had its final appeal before the Supreme Court last spring and the corps opposed that action.

The dam is the focal point of Proposition 17 on the Nov. 5 ballot. The measure seeks to stop construction by putting two sections of the Stanislaus River under wild river status.

Meral said that in oppos-

ing EDF's appeal, the corps claimed the state water board decision on limiting capacity would not "render the project useless or fundamentally alter its value."

Keyes said the water board placed "severe restrictions on the operation of New Melones Dam Reservoir . . . that would seriously impair the authorized purposes of the project."

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