

To: Aaron Isherwood  
From: George Whitmore <geowhit@qnis.net>  
Subject: Yosemite Merced River Plan amicus  
Cc: John Monsen, Allan Eberhart, Robin Ives, Alan Carlton  
Bcc:

Hello Aaron,

The latest count in the Yosemite Committee vote is 13 to 3 against signing the amicus brief.

One of the three is really cranked up over the idea of trying to get the vote reversed. My view is that there are other Yosemite issues badly needing our attention, and we cannot afford the time and energy to wrangle endlessly over whether or not to sign a blank piece of paper.

But he is determined to set up a call between me and Pete Frost, then have me analyse the information which Pete may or may not provide, make a new recommendation to the Yosemite Committee, and ask them to vote again. (Because of the risk of leaks, I will NOT send out over e-mail the information which Pete may or may not provide.) This individual is volunteering to call everyone to make sure they vote within 24 hours, which I will not go along with because obviously it would bias the results. I doubt that it is possible to get the original sixteen people all to vote again immediately; the original vote was spread out over three days.

Even if the new vote resulted in a majority in favor of signing, I would expect the vote to be significantly split.

HERE IS MY QUESTION: If a majority came out in favor of signing, what would be the relevance of that? Apparently it was felt that the Board of Directors should have the final word, since they did so a year ago. Would the RCC Steering Committee then weigh in, urging the BOD not approve signing? (I am copying this message to several of them so they can express an opinion.) If the Yosemite Committee and the Steering Committee took opposite positions, would that ensure a repeat of last year when it ended up before the BOD?

Pete Frost told you the brief had to be filed by Friday the 27th. He told the Yosemite Committee member that he would be filing on Thursday the 26th.

My personal view is that there is not enough time left to go through the laborious process being proposed, and I am reluctant to get started down a road which may lead nowhere.

I am asking your opinion as to whether the BOD would be involved again. If not, that obviously would save some time. What happens if the Yosemite Committee and Steering Committee take opposing positions? Seems to me it would take time for the Steering Committee to take a vote, just as it would take time for the Yosemite Committee to do so. And where would it go then?

Sorry to take your time with this. You probably wonder why I don't just say that the vote was taken, it was decisive, and we have to move on. I don't like to rule by fiat, but I may be forced into it. Your suggestions might be helpful. Thanks. George.

## Ed Dobson, Outcome of vote on Merced River

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To:

From: George Whitmore <geowhit@qnis.net>

Subject: Outcome of vote on Merced River amicus

Cc:

Bcc: Ed Dobson

Hello Yosemite Committee, NC/N RCC Steering Committee, and Aaron Isherwood---

THE FOLLOWING MESSAGE IS OF A HIGHLY SENSITIVE NATURE AND SHOULD NOT BE PASSED ON TO ANYONE ELSE. SHOULD IT GET INTO THE WRONG HANDS, IT COULD JEOPARDIZE OUR ATTEMPTS TO PROTECT YOSEMITE.

The balloting on the question of whether to reconsider our previous vote on the amicus question is almost completed. Only one possible vote remains outstanding, and I think it unlikely that it would result in a different outcome.

The vote was 9 opposed to reconsideration, and 10 in favor. As Chair, I could vote to create a tie, and the motion would fail on the tie vote. If the outstanding vote came in opposed, that would create a tie, and I could vote to break the tie, or not vote and let the motion die on the tie vote. If the outstanding vote came in in favor, that would not change the outcome, as I will explain below.

I have given this matter a great deal of thought, and done a great amount of soul searching. There are some considerations that might result in someone challenging the validity of the vote on EITHER side of the issue. I am going to overlook those considerations, and I hope that everyone else also chooses to overlook them.

What I think is clear is that the Yosemite Committee is pretty evenly split on this vote.

That having been said, I want to make it clear that I firmly believe the vote would have been overwhelmingly in FAVOR of reconsidering (and signing) had we

1. Been able to meet with most of the Committee members present, and
2. Had ample opportunity to discuss the issues in a deliberate manner, and
3. Had access to enough information so that the the discussion would have been informed.

Because I firmly believe that, given these circumstances, we would have supported signing the amicus brief, I am choosing NOT to cast a vote that would create a tie on the reconsideration.

That means the motion to reconsider passes on a 10 to 9 vote. That means the motion as to whether to sign will be counted.

The vote on whether to sign is ~~tied at~~ 9 opposed and 10 in favor.

For the reasons given above, I choose NOT to create a tie by casting my own vote.

So I declare that the motion PASSES for us to sign the amicus brief in the case brought by Friends of Yosemite Valley and Mariposans for Environmentally Responsible Growth against the U.S. Government re. the Merced Wild and Scenic River Management Plan.

As Chair, I appreciate the fact that I was able to step to one side, analyse the situation deliberately, and decide on my own actions without being under pressure. That is one advantage of doing things by e-mail, and never mind the disadvantages. I thank all of you for your forbearance, wish the attorneys Godspeed, and look forward to the celebratory party following the ruling of the Ninth Circuit.

George Whitmore, Chair, Sierra Club's Yosemite Committee

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