



Valley Voices

Raising Shasta Dam benefits both fish and people

By Jon Rubin

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In law school, first-year students are introduced to the term *ipse dixit*, a Latin phrase meaning a statement that, while unsupported and unproven, may carry some weight based solely on the authority or standing of the person who made it.

I was frequently reminded of this term reading numerous articles concerning efforts to include in the just-enacted omnibus appropriations legislation funds to enlarge Shasta Dam.

Fortunately for all Californians, Congress rejected the *ipse dixit* espoused by opponents of enlarging Shasta Dam and included in the omnibus appropriations legislation funds for the Shasta Dam enlargement project. This project will benefit both salmon that spawn below Shasta Dam and people who depend on water provided by Shasta Lake.

Some members of the California congressional delegation asserted, without citing any authority, that enlarging Shasta Dam would violate state law. However, no provision of state law prohibits the Bureau of Reclamation from enlarging Shasta Dam.

Section 5093.542(c) of California Public Resources Code does address Shasta Dam enlargement, but the statute does not prohibit enlarging Shasta Dam. Nor does the statute present an absolute prohibition against a department or agency of the State from assisting or cooperating in a project to enlarge Shasta Dam.

The statute prohibits a department or agency of the State from assisting or cooperating on efforts to enlarge Shasta Dam only if the project would have “an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery.”

Therefore, the question that must be answered under state law, if a department or agency of the states assists or cooperates on the Shasta Dam enlargement project, is whether enlarging Shasta Dam would have an adverse effect on the free-flowing condition of the McCloud River or on its wild trout fishery?



Funds to raise Shasta Dam have already been approved, and Jon Rubin of San Luis and Delta-Mendota Water Authority is supportive of the idea. Contributed

According to John Laird, California's Secretary of Natural Resources, the answer is an axiomatic "yes." He wrote in a March 13 , letter to Members of Congress, "[t]he Shasta Dam enlargement project would inundate several miles of the protected McCloud River in violation of state law."

But according to Reclamation's feasibility report for the project, enlarging Shasta Dam by 18.5 feet would occasionally inundate at most "3 percent [or approximately 3500 feet] of the 24-mile-reach of river between the McCloud Bridge and McCloud Dam, which controls flows on the river."

(In fact, a portion of this reach is periodically inundated under operations of the existing Dam.) So, as a factual matter, Secretary Laird's statement is untrue.

And the effect of enlarging Shasta Dam on the McCloud River's wild trout fishery? Practically nil.

A "fishery," according to Webster's New Collegiate Dictionary, is defined as the (1) act, process, occupation, or season of taking fish; or, (2) a place for catching fish. The first seven miles of the McCloud River above Shasta Reservoir comprise a private fishing club operated since 1903.

During the trout fishing season, the first five miles "is limited to no more than 10 fishermen" according to the website of the company, The Fly Shop, that manages the private club. It is difficult to imagine how enlarging Shasta Dam by 18.5 feet and its periodic inundation of 3,500 feet would adversely affect the process or place for catching fish for 10 members of a private club on five miles of stream.

What is truly at work here is the dogma that any on-stream surface storage project is sacrilege.

As proof, a person need look no further than the experience of Anthony Saracino, a former member of the California Water Commission. As reported in the May 13, 2015, E&E News online article, "Enviro pressure forces resignation of Calif. water commissioner," Saracino was pressured to resign from the Commission merely because he had temerity to suggest the commission study enlarging Shasta Dam.

The public and members of Congress who must decide deserve better than hearing often-repeated, but unsupported claims, made in opposition to this important project.

Jon Rubin is interim executive director of the San Luis and Delta-Mendota Water Authority. The authority serves 28 member public agencies, 26 of which contract with reclamation for water supply from the Central Valley Project. These agencies deliver water to approximately 1.2 million acres of farmland, 2 million California residents, and millions of waterfowl dependent upon the nearly 200,000 acres of managed wetlands within the Pacific Flyway.



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