

San Francisco Chronicle

Land sale fuels fear of higher dam at Shasta

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Published 4:00 am, Sunday, January 28, 2007



AP / Brad Garrison,

Thousands of people turned out in Lake Shasta, Calif., Thursday, June 18, 1998 to watch a man-made waterfall cascade over the lip of the Shasta Dam. About 1,200 cubic feet of water per second were allowed to slide over the top of the dam, a bare trickle at some waterfalls, but a roaring torrent when pouring over the entire length of the dam and crashing onto the spillway 500 feet below. The last time all three flashboards were opened was fifteen years ago. (AP Photo/Redding Record Searchlight, Brad Garrison) Ran on: 01-28-2007

The Fresno-based Westlands Water District -- already the largest agricultural user of Northern California water -- has spent nearly \$35 million to purchase 3,000 acres of land on the McCloud River to make it easier to one day raise Shasta Dam.

The land acquired by Westlands would be sold to the federal government and inundated if officials and lawmakers decided to raise the dam.

Located on the property is the private Bollibokka fishing club, built in 1904 by the founders of Hills Brothers Coffee, and 26 Winnemem Wintu Indian villages with burial grounds. The Indians worry that their access to sacred sites could be blocked by Westlands.

"Our purpose in buying the property was only to ensure there would be no additional impediments if the (federal) Bureau of Reclamation concludes it's feasible to raise the dam," said Tom Birmingham, general manager and general counsel for Westlands. The Indians "have conducted cultural activities there. I don't see any reason why they couldn't continue to do that."

Westlands' goal of capturing more water in Lake Shasta would help make more water available to the 600 farmers it serves. Those farmers now, on average, receive only 65 percent of the annual 1.15 million acre-feet they are entitled to under the district's contract with the federal government. Any extra water the district receives could be sold at higher prices to urban users.

An acre-foot is 325,853 gallons -- roughly the annual amount of water used annually by a family of four.

Indians, anglers and environmentalists, who all oppose raising Shasta Dam, decried the sale to Westlands, which was completed Jan. 12, saying a higher dam represents a loss of irreplaceable river.

"It's going to inundate some wonderful, wonderful trout water and some very beautiful natural resources," said Duane Milleman, manager of guide services at the Fly Shop in Redding. "That's scaring a lot of people."

One prospective buyer of the property wanted to develop the property and create a subdivision of vacation homes. Westlands feared that more residents living in an area inundated by a higher dam "would create a greater impediment to the potential raising," Birmingham said.

That fear -- and what Birmingham described as a "bidding war" for the property -- led the water district to pay the Hills family \$11,600 an acre -- a purchase price nearly \$5 million higher than the Hills' \$30 million asking price. Birmingham said the water district would contract with someone to operate the fishing club.

"This was a case of a willing buyer, willing seller," said U.S. Sen. Dianne Feinstein, a supporter of raising the dam.



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"It is in California's long-term interest to preserve the option of providing additional flood control, more cold water for the Sacramento River salmon fishery, more generation of electricity from clean hydropower and additional surface space at Shasta Dam," Feinstein said.

The federal government has been studying the environmental impact and feasibility of heightening the dam since 2000 and expects to complete its review by fall 2008. Birmingham predicted it would be decades before the dam was raised, if Congress approves the project.

For the 120 Winnemem Wintu tribe members who live near the McCloud, the land around Bollibokka contains sacred places and 26 village sites, each with undisturbed burial grounds.

"We need those lands to survive. By facilitating the dam being raised, Westlands is engaging in cultural genocide," said Mark Franco, whose tribal title is "head man."

In the 1850s, there were some 14,000 Winnemem Wintu on the McCloud. By 1900, just 395 remained, according to Caleen Sisk-Franco, the tribe's chief and spiritual leader. Tribal members who fought in World War II returned home in 1945 to find Shasta Dam completed and their old homes underwater.

In 2000, the Bureau of Reclamation first proposed raising the 602-foot tall dam by 6.5 to 18.5 feet, prompting the remaining Winnemem Wintu to declare war on the United States.

The Winnemem Wintu are not a federally recognized tribe, which means they have less power to prevent potential destruction of their village sites and sacred places.

"This land is what makes us what we are," said Sisk-Franco. "We will fight to the end."

Leighton Hills, who managed Bollibokka fishing club for his elderly parents, said one of the conditions of sale to Westlands was that the water district continue to allow the Wintu access to their sacred sites.

"Westlands has a varied reputation in some parts of the state relative to environmental issues," Hills said in an interview. "But in terms of their willingness to be responsive to our concerns, they've been great."

Sale of the property was driven by estate planning and a desire to avoid having 50 percent of the asset lost to federal inheritance tax, Hills said.

It was purchased for \$5 an acre by Hills' great-grandfather Austin Hills and his brother Rueben after Southern Pacific decided to lay its tracks along the Sacramento River instead of the McCloud.

A number of wealthy San Franciscans have been members of the club over the past 103 years. Its members opposed raising the dam because it would destroy the prime trout water running through the 7-mile stretch of river where the property is located.

"The McCloud certainly ranks among the best fly-fishing streams I've been on," said Birmingham, who has fished at Bollibokka, which means "black manzanita" in Wintu, and elsewhere in the West.

Unlike some of the Winnemem Wintu sites, the club's buildings will survive even if the dam is raised by 18.5 feet, Hills said. The lowest building, called "The Rock House" and built by Winnemem Wintu tribe members, is 33 feet above maximum reservoir level.

Allied with the Wintu are several environmental groups, including the Natural Resources Defense Council, which is working with the tribe to win recognition by the federal government.

"This purchase is a five-fer for Westlands," said Barry Nelson, senior policy analyst for the NRDC. "It eliminates an opponent of the dam, heads off the tribe, blocks any development, the district will be bought out with public funds if the dam is raised, and they can use the fishing club to lobby for the project."

Westlands has long been a target of criticism from environmentalists.

Farm drainage water from some of Westlands' 600,000 acres along the western side of the San Joaquin Valley carries heavy amounts of selenium, which can poison wildlife. Westlands has successfully sued to force the federal government to clean up the toxic water.

Jack Trout, a guide on the McCloud for 16 years, learned of the possible land sale when he was taking a group out to the Bollibokka last October and encountered Birmingham, whom he had guided before, and a local real estate agent looking over Bollibokka.

Trout wrote an angry blog about the potential sale and his chance encounter with Birmingham, who disputes Trout's account.

Trout remains angered by the sale, fearing not just a loss of livelihood but of something deeper.

"The river has given me life. The river was there before the Hills family, before the Wintu Indians. All we have in the end is the river, and we have to protect it."

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