

Shasta Dam raising project runs into legal, congressional roadblocks

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At least one state agency has indicated it will not issue necessary permits to allow federal officials and a Fresno-based water district to begin construction to raise the height of Shasta Dam.

In addition to facing opposition from the state, the project could also face fresh hurdles from Congress, which this year came under control of Democrats.

In a letter to the Fresno-based Westlands Water District, the State Water Resources Control Board says raising the height of Shasta Dam would violate state law.

The letter refers to a law that prohibits state or local agencies from participating in planning for projects that “could have an adverse effect on the free-flowing condition of the condition of the McCloud River, or on its wild trout fishery.”

“This language bars the State Water Board and other agencies of the state from issuing any permit or other approval for a project that could adversely affect the free-flowing character of the McCloud River or its wild trout fishery,” according to the letter, which was signed by Eileen Sobeck, the board’s executive director.

The U.S. Bureau of Reclamation wants to raise the height of the dam 18½ feet, which would increase the amount of water that could be held in Lake Shasta by about 14 percent.

The proposal has been on-again, off-again for decades, but last year Congress approved \$20 million for preconstruction and design work on project. Designs were drawn up and [core samples were taken from the concrete in the dam](#) to see if it could withstand the extra weight of a taller dam.

The bureau has said it will only pay 50 percent of the \$1.4 billion project. The rest of the money would have to be raised from “nonfederal” partners, the bureau said.

The Westlands Water District, which provides water to farmers in the western San Joaquin Valley, has stepped up as one partner. Last year, [the district began an environmental review of the project and asked the public and various government agencies for comments](#) to help focus the direction of its study.



The U.S. Bureau of Reclamation, which operates Shasta Dam, has proposed raising the height of the dam 18.5 feet. (Photo: Record Searchlight photo)

Westlands and bureau officials have said they plan to complete environmental review, obtain full funding from nonfederal partners and get the necessary federal and state permits in time to issue the first construction contracts by the end of this year.



In September 2018, Nathan Morgan hangs over the side of Shasta Dam. Morgan and others were drilling holes in the dam to test the strength of the concrete in preparation for raising the height of the dam. (Photo: Damon Arthur/Record Searchlight)

The state Water Board submitted its initial environmental comments Monday, pointing out what federal officials and Westlands had heard before — that the state considers raising the dam illegal.

John Laird, the state’s natural resources secretary, sent a letter in March 2018 to leaders in the U.S. Senate and House of Representatives informing them that the dam raise would violate state law because it would inundate “several miles” of the McCloud River.

Monday’s letter from the water board says the bureau would need to get extensions on its right to divert and store water behind Shasta Dam. The bureau and Westlands also would need to obtain permits under the Clean Water Act.

Both of those would be issued by the state water board, the letter says.

Erin Curtis, a spokeswoman for the bureau, said the agency officials feel they can persuade the state the dam raise is not against the law.

When the state Legislature passed the law in 1989 prohibiting state agencies from participating in the planning of projects that would affect the McCloud River, the bureau was contemplating raising the height of the dam 200 feet, rather than the current plan for 18½ feet, she said.

Bureau officials plan to go back to state officials and make the case that current plans to raise the height of the dam will have minimal effect on the McCloud River, Curtis said.

But getting cooperation from state officials is just one of the obstacles facing proponents of the project.

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In November, Democrats gained a majority in Congress, which could also stop the project. U.S. Rep. Jared Huffman, D-Arcata, said he opposes the project and believes Congress isn't likely to approve further funding for construction.

"You can't really justify any money for this because of this legal roadblock," Huffman said. Even if there weren't legal issues standing in the way of the dam project, he said he would rather see other water projects built, such as [Sites Reservoir in Colusa County](#).

A spokesman for U.S. Rep. Doug LaMalfa, whose district includes Shasta Dam, on Wednesday said he would get back to a reporter for comment from the congressman. On Thursday, he did not return a second call seeking comment.

Nonetheless, [LaMalfa has said in the past](#) that he would support the dam raising project as long as the government helps residents and businesses around the [Lake Shasta area affected by the higher water level in the lake](#).

The federal government would either need to buy out or move to higher ground dozens of residents and businesses that would be affected by a deeper lake, he said.



Federal officials want to raise the height of Shasta Dam to store more water in Lake Shasta. (Photo: Damon Arthur/Record Searchlight)

California Sen. Dianne Feinstein and House Speaker Nancy Pelosi supported last year's bill providing \$20 million for preconstruction and design work on the project, with the caveat that the project comply with state law.

Water agencies have been trying for many years to either change the law protecting the McCloud or protect their interests in raising the height of the dam.

In 2012 the directors of the Metropolitan district — a wholesale water supplier to about 19 million Southern California residents — voted to lobby to change the law so the state could help pay for raising the dam.

A spokesman for the Metropolitan district said at the time the board approved the measure because in general it supports creating more water storage statewide.

In 2007 the Westlands district paid about \$33 million to buy about 3,000 acres bordering the McCloud River, including the Bollibokka Fly Fishing Club. Its property extends south to just downstream of the McCloud River bridge at Lake Shasta.

Westlands General Manager Tom Birmingham said in 2007 the district, which supplies water to some 600 farms in the San Joaquin Valley, bought the land to protect its interests along the river and around Lake Shasta.

“We did not want to see the use of this land to be changed to impede the potential of raising the dam,” he told the Record Searchlight in 2007.

Westlands officials did not respond to phone messages or email for comment on this story.

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