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## WESTERN WATER

# Calif. AG sues Westlands to block 'unlawful' dam project

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California Attorney General Xavier Becerra today sued Westlands Water District — a state agency — for working to raise Shasta Dam in Northern California.

The Democrat alleged that Westlands violated state law by acting as the lead agency on a project that has been supported by the Trump administration.



The Shasta Dam in California. Prayitno/Flickr

"This project is unlawful," Becerra said in a statement. "It would create significant environmental and cultural impacts for the communities and habitats surrounding the Shasta Dam."

A second, similar lawsuit was filed by a coalition of environmental groups, which argued raising the dam would inundate the McCloud River, which is protected under the California Wild and Scenic Rivers Act.

The more-than-600-foot Shasta Dam impounds the largest reservoir in California. The Bureau of Reclamation facility funnels water into the Central Valley Project, which delivers water to farms and cities in the southern part of the state.

Westlands, a Rhode Island-sized district, relies on that water for its farms. It has long sought to raise the dam to create more storage.

New life was breathed into the project last year when Congress appropriated \$20 million toward pre-construction costs. Raising the dam would likely cost at least \$1.3 billion ([E&E Daily](#), March 23, 2018).

The issue has also been a priority of the Trump administration and is seen as a step the president may take to fulfill a campaign promise to deliver more water to California farmers ([Greenwire](#), Oct. 22, 2018).

In November, Westlands moved ahead, saying it was preparing an environmental assessment of the project under state law.

The lawsuit from Becerra filed in Shasta County state court alleges that those activities alone directly violate the state's wild and scenic rivers law.

"Westlands' development of an environmental impact report, as a lead agency under the California Environmental Quality Act ... is 'planning' that is prohibited," the [lawsuit](#) states.

"Such planning involves the assistance or cooperation with the planning or construction of water impoundment facilities that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery, in violation of the law."

In a statement, Westlands said it is "not violating the law."

The district said that if the Bureau of Reclamation were to move forward with raising Shasta Dam, it would need a local entity to share the cost under federal law. And Westlands said it has not signed on to play that role.

Westlands said it "has not yet made any determination regarding the Shasta Dam Raise Project."

In their lawsuit, environmental groups make the same argument while [alleging](#) that Westlands "has also illegally assisted and cooperated in the planning and construction of the Shasta Dam raise by purchasing property on the McCloud River in order [to] facilitate the Shasta Dam raise."

The environmental groups party to the lawsuit are Friends of the River, the Pacific Coast Federation of Fishermen's Associations, the Institute for Fisheries Resources, the Natural Resources Defense Council, Defenders of Wildlife, the Sierra Club and the Golden Gate Salmon Association.

A separate lawsuit was filed in federal court by the Center for Biological Diversity to block the project on endangered species grounds ([Greenwire](#), Nov. 30, 2018).

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