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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF SHASTA**

16 PEOPLE OF THE STATE OF CALIFORNIA
EX REL. ATTORNEY GENERAL XAVIER
17 BECERRA,
18 Plaintiff and Petitioner,
19 v.
20 WESTLANDS WATER DISTRICT AND
DOES 1-20,
21 Defendants and Respondents.

Case No. 192487
**DECLARATION OF MARY PAASCH IN
SUPPORT OF WESTLANDS WATER
DISTRICT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

BY FAX
Date: July 29, 2019
Time: 8:30 a.m.
Dept.: 8
Assigned for All Purposes to:
Hon. Tamara L. Wood
Action Filed: May 13, 2019
Trial Date: April 14, 2020

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Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

1 **DECLARATION OF MARY PAASCH**

2 I, Mary Paasch, declare as follows:

3 1. I am a Vice President and Principal Engineer at Stantec Consulting Services, Inc.
4 (Stantec), a design and consulting firm where I have worked since 1998. Westlands Water District
5 (“Westlands”) has retained Stantec to assist it in complying with the California Environmental
6 Quality Act relating to its decision whether to contribute funding for a project the Bureau of
7 Reclamation is considering, the Shasta Dam Raise Project (“Project”). I am the project manager
8 leading the preparation of Westlands’ Environmental Impact Report (“EIR”).

9 2. My professional experience at Stantec has included preparing environmental review
10 documents for various projects, and leading dam raise and reservoir expansion projects including
11 the Folsom Modification and Folsom Dam Raise Projects and the Pacheco Reservoir Expansion
12 Project. I served as the project manager for the federal Shasta Lake Water Resources Investigation
13 and led preparation of the feasibility report and environmental impact statement. Prior to starting
14 my career at Stantec, I was a research fellow at Texas A&M University (“TAMU”) funded through
15 the Texas Water Resources Institute, Environmental Protection Agency, and TAMU. I also served
16 as a research associate at the University of Padova, Italy. I am a registered Professional Engineer in
17 Civil Engineering in the State of California, and have held my license continuously since 2000. I
18 earned my Bachelors and Masters of Science degrees from the California Polytechnic State
19 University, San Luis Obispo, in 1995, and TAMU in 1998, respectively. I have been certified as a
20 Project Management Professional since 2012.

21 3. This declaration is based on the knowledge I have gained through my educational
22 background and work experience, including the current development of Westlands’ EIR related to
23 the Project. Staff at Stantec prepared the figures attached hereto as Exhibits A and B at my direction.

24 4. In this declaration I address three topics: (1) that flows in the lower McCloud River
25 are regulated by the McCloud-Pit Hydroelectric Project operated by Pacific Gas & Electric
26 (“PG&E”); (2) that public access for fishing along the banks of the lower McCloud River is limited,
27 because most of that land is managed by fishing clubs, or in private ownership, or does not allow
28 for public access due to its topography (for example, extreme steep slope); and (3) that a preliminary

1 injunction halting work on the EIR until April 2020 would increase costs for Westlands.

2 **Flows In The Lower McCloud River Are Regulated By McCloud Dam**

3 5. There is a dam on the McCloud River, located approximately 23 miles upstream from
4 where the river flows into Lake Shasta. This dam, known as McCloud Dam, is part of PG&E's
5 McCloud-Pit Hydroelectric Project. McCloud Reservoir forms behind McCloud Dam. In this
6 declaration I refer to the reach of the river between McCloud Dam and Lake Shasta as the "lower
7 McCloud River." The last portion of the lower McCloud River before it enters Lake Shasta is the
8 portion that would be newly inundated if Shasta Dam were raised.

9 6. The figure attached hereto as Exhibit A depicts the location of Lake Shasta in the
10 lower left hand corner, the course of the lower McCloud River from Lake Shasta to McCloud Dam,
11 and McCloud Reservoir above McCloud Dam. Exhibit A also shows the location of a "Diversion
12 Tunnel," also known as McCloud Tunnel, signified by a dashed line extending from McCloud
13 Reservoir to Iron Canyon Reservoir on the Pit River. PG&E diverts water from the McCloud River
14 to the Pit River through a tunnel. PG&E uses this flow to generate hydropower, as part of its
15 McCloud-Pit Hydroelectric Project.

16 7. PG&E diverts most of the flow in the McCloud River at the location of the McCloud
17 Dam over to the Pit River. The figure attached hereto as Exhibit B shows the relative portion of the
18 flow diverted through the tunnel to the Pit River and released to the lower McCloud River. The bars
19 in Exhibit B shows the average monthly percentage discharges for the period from 1986 to 2017.
20 As is shown there, every month of the year, most of the flow above McCloud Dam is diverted to the
21 Pit River. The average percentage of upper McCloud River flows diverted to the Pit River ranged
22 from a high of 78% in Julys, to a low of 66% in Februarys. This summary of diversions was based
23 on gage data for the McCloud River below McCloud Dam maintained by the United States
24 Geological Survey (USGS), and data for flows in the McCloud Tunnel maintained by the California
25 Department of Water Resources through its California Data Exchange Center (CDEC). The links
26 where the data can be accessed online are shown at the bottom of the figure in Exhibit B.

27 8. In addition to releases from McCloud Dam, the lower McCloud River is influenced
28 by flow from tributaries that flow into the river between the dam and Lake Shasta. Notwithstanding

1 those inflows from tributaries below McCloud Dam, the diversions to the Pit River significantly
2 diminish the volume of flow entering Lake Shasta through the lower McCloud river. Based on
3 annual gage data from 1986 to 2017, approximately fifty percent of the total flow that would
4 otherwise move through the lower McCloud River is diverted to the Pit River.

5 9. In sum, the volume of flows in the lower McCloud River is regulated by the operation
6 of McCloud Dam, which diverts a significant portion of flow from the McCloud River to the Pit
7 River.

8 **Access for Fishing on the Lower McCloud is Limited**

9 10. As part of its work related to preparation of the EIR, Stantec staff have assembled
10 information on the ownership of property along the banks of the lower McCloud River.

11 11. All of the reach of the river that would be newly inundated if Shasta Dam were raised
12 is located on property owned by Westlands and used by the Bollibokka Fishing Club. Access to
13 this reach is limited by the Club. The property owned by Westlands extends approximately the first
14 seven miles of the river above Lake Shasta.

15 12. Public access to the lower McCloud River for fishing is limited based on ownership.
16 Most of the land along the banks is held by owners who do not allow general public access, though
17 a relatively small portion is owned by the Forest Service. Access is further limited because the lower
18 McCloud River flows through a steep-sided canyon.

19 **An Injunction Halting Work On the Draft EIR Would Increase Expense**

20 13. I have been asked to assess the effects on Stantec's work of an injunction issued in
21 late July 2019, which orders Westlands to cease work on the EIR until after April 2020.

22 14. Westlands' total current expected cost for Stantec's work related to completing the
23 EIR is approximately \$1 million. If Stantec's staff is forced to stop working on the EIR in late July,
24 and then resumes work after April 2020, Westlands' costs will likely increase. Stopping and
25 restarting work, under this assumed case for nine months, causes disruption. At minimum, after such
26 a substantial break in work, Stantec staff and outside subcontractors will require time to get back up
27 to speed. Also, because Stantec staff and outside subcontractors would be redirected to other work
28 in the meantime, the same staff and subcontractors may not be readily available to resume work on

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Westlands' draft EIR after April 2020. Bringing new staff up to speed will result in inefficiencies.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of July, 2019, at Sacramento, California.



MARY PAASCH

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PROOF OF SERVICE

**People, et al. v. Westlands Water District, et al.
Shasta County Superior Court Case No. 192487**

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.

On July 16, 2019, I served true copies of the following document(s) described as **DECLARATION OF MARY PAASCH IN SUPPORT OF WESTLANDS WATER DISTRICT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 16, 2019, at Sacramento, California.



Selena Paradee

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SERVICE LIST
People, et al. v. Westlands Water District, et al.
Shasta County Superior Court Case No. 192487

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EXHIBIT A

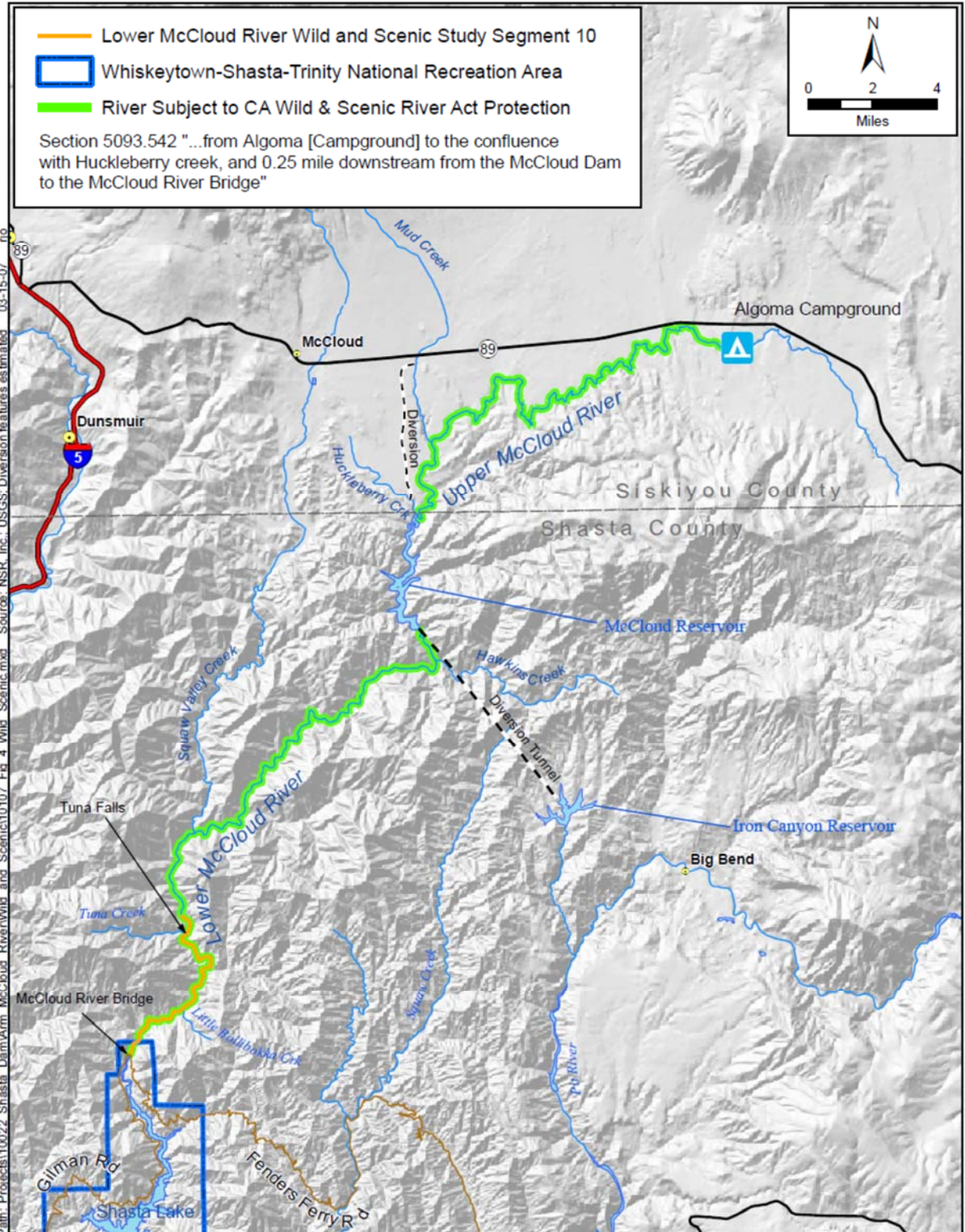
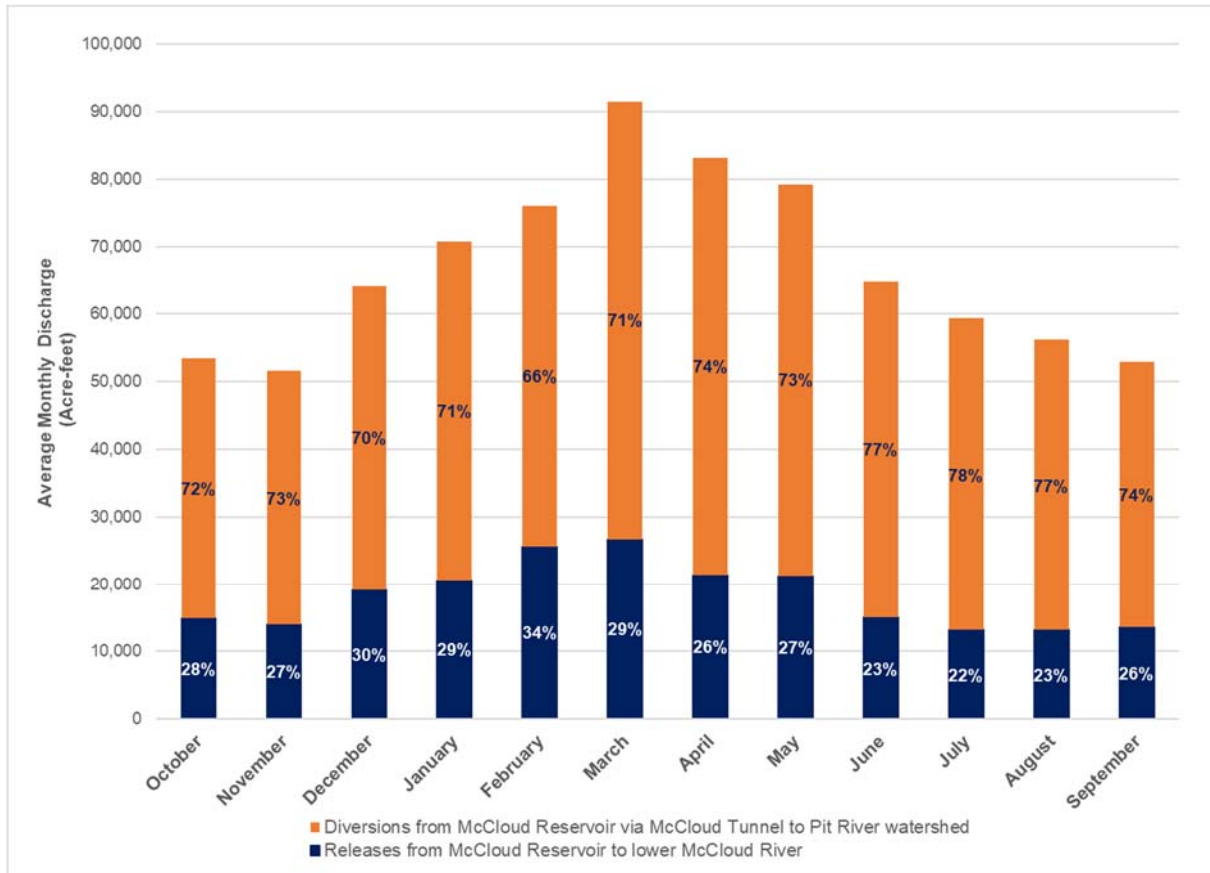


Figure 4-9. McCloud River above Shasta Lake and McCloud-Pit Hydroelectric Project Facilities

EXHIBIT B



Source:
 McCloud River below McCloud Dam: USGS Gage 11367800
 (https://waterdata.usgs.gov/ca/nwis/inventory/?site_no=11367800)
 McCloud Tunnel: CDEC MCT (https://cdec.water.ca.gov/dynamicapp/staMeta?station_id=MCT)

Figure 4-10. Average Monthly Discharge from McCloud Dam to the Lower McCloud River and McCloud Diversion Tunnel to the Pit River Watershed (1985 to 2017)