

Judge orders Westlands to stop work on Shasta Dam raise

Damon Arthur, Redding Record Searchlight

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A view of Shasta Dam from the nearby overlook. (Photo: Damon Arthur/Record Searchlight)

A judge has ordered a Fresno-based water district to stop working on plans to raise the height of Shasta Dam.

The Westlands Water District, which provides irrigation water to farmers on the west side of the San Joaquin Valley, was working on a report assessing the environmental impacts of raising the height of the dam.

But a judge ruled that Westlands' work violated a state law that prohibited local and state agencies from participating in any projects that would have an adverse impact on the McCloud River.

The state Attorney General's Office and several environmental groups had filed a lawsuit against Westlands arguing that raising the height of the dam also would raise the level of Lake Shasta and further inundate the McCloud River.

The Shasta County Superior Court issued the preliminary injunction Wednesday.



File - In March 2019, the Bureau of Reclamation has increased the amount of water coming out of the dam to 30,000 cubic-feet per second. (Photo: Damon Arthur/Record Searchlight)

Lawyers for Earthjustice, one of the groups that sued Westlands, said it was important to stop the project because the U.S. Bureau of Reclamation had planned to award construction contracts on the project by the end of this year.

"Westlands has been planning for a long time on this dam raise and it's high time the court stopped them," said Nina Robertson, a lawyer for Earthjustice.

Attorney General Xavier Becerra said raising the dam was bad for the environment.

"The court has stopped Westlands Water District from moving forward with a project that would hurt the people and environment in our state," Becerra said in a news release.

"Maybe others believe they're above the law and can get away with it. But, in California, we're prepared to prove otherwise," he said.

Westlands attorney Daniel O'Hanlon argued in court this week that the district wasn't violating the law because the agency hadn't yet determined whether it wanted to support the dam raise project.

He said doing an environmental study of the project under the California Environmental Quality Act (CEQA) would help district officials determine whether it wanted to help pay for the cost to raise the dam 18½ feet.

"As far as CEQA being planning, I strongly disagree with that," O'Hanlon said in court Monday.

Federal officials have long considered raising the height of the dam. In 2013 the bureau did its own environmental analysis of raising the dam. That report noted the state law prohibiting local and state agencies from participating in any project that would harm the McCloud River.

In 2015, the bureau said it would only pay for 50% of the project. The rest of the \$1.4 billion would have to come from local and state partners.



More than two hundred people attended a meeting Wednesday in Redding to take comment for an environmental analysis on the effects of raising Shasta Dam. (Photo: Damon Arthur Record Searchlight)

Westlands stepped up as a cost-sharing partner and began work on an environmental impact report to comply with state law.

Bureau spokesman Jeff Hawk said Wednesday he hadn't reviewed the court ruling, but said the project would likely continue to go forward.

"We have not reviewed the ruling, however such a ruling would not prevent reclamation from moving forward with the Shasta Dam and Reservoir Enlargement Project," Hawk said.

Despite the state law protecting the McCloud River, Congress in 2018 authorized spending \$20 million on pre-construction work and engineering drawings on the project.

However, since approving the initial \$20 million for the dam raise, control of Congress passed from Republican to Democratic control.

U.S. Rep. Jared Huffman, D-Arcata, said earlier this year 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.

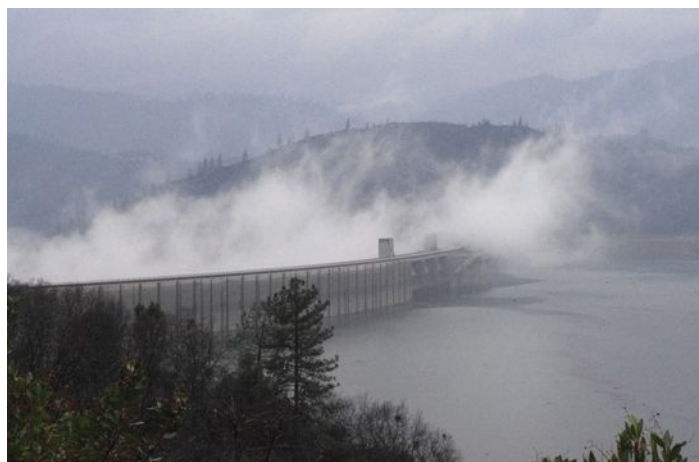
U.S. Sen. Dianne Feinstein and House Speaker Nancy Pelosi, also from California, supported last year's bill providing \$20 million for pre-construction and design work on the project, with the caveat that the project comply with state law.

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



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

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.



File - In March 2019, four of the five turbines below Shasta Dam were turning, creating electricity.
(Photo: Damon Arthur/Record Searchlight)

Damon Arthur is the Record Searchlight's resources and environment reporter. He is among the first on the scene at breaking news incidents, reporting real time on Twitter at [@damonarthur_RS](https://twitter.com/damonarthur_RS). Damon is part of a dedicated team of journalists who investigate wrongdoing and find the unheard voices to tell the stories of the North State. He welcomes story tips at 530-225-8226 and damon.arthur@redding.com. Help local journalism thrive by [subscribing today!](#)

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FOR addendum: Preliminary injunctions, as suggested in the article, are not a ruling that the defendant has violated state law, only that the party seeking the injunction is likely to prevail at trial. In this case, plaintiffs FOR et al. at trial are seeking "a declaration from [the] Court that Westlands is in violation of the California Wild and Scenic River Act and an injunction and writ of mandate directing Westlands to halt its illegal actions." The California Attorney General, representing the people of California, is seeking similar relief. Trial is currently scheduled for April 14, 2020.