

## Water district appeals ruling to stop work on Shasta Dam analysis

*Damon Arthur, Redding Record Searchlight Published 4:57 p.m. PT Aug. 19, 2019*

A Fresno-based irrigation district has asked the state court of appeal to overturn a judge's decision to stop work assessing the environmental impacts of raising the height of Shasta Dam.

Westlands Water District says a preliminary injunction ordering it to stop work on an environmental impact report may prevent it from helping to pay for raising the height of the dam, according to the appeal filed last week.

The McCloud River, which flows into Lake Shasta, is at the center of a dispute over raising the height of Shasta Dam.

The McCloud River, which flows into Lake Shasta, is at the center of a dispute over raising the height of Shasta Dam. (Photo: Friends of the River)

A visiting judge ruled last month in Shasta County Superior Court the district's work was illegal because no state or local agency can do any work — including planning — that would have an adverse impact on the McCloud River, given its designation as a wild and scenic river.



The McCloud River, which flows into Lake Shasta, is at the center of a dispute over raising the height of Shasta Dam. Photo by Tom O'Keefe, American Whitewater

The state Attorney General's Office and several environmental groups argued in a lawsuit against the district that raising the height of the dam would further inundate the McCloud River, which flows into Lake Shasta.

The district's lawyer, Daniel O'Hanlon, said it was preparing the report under the California Environmental Quality Act (CEQA).

O'Hanlon said an environmental impact report is not "planning." He said the district wanted to complete the report to determine whether it wanted to help pay for the project.



McCloud River Photo by Tom O'Keefe, American Whitewater

If the district, which primarily provides irrigation water to farmers in the San Joaquin Valley, can't work on the environmental report, it can't determine whether it can go forward to support the project.

"The preliminary injunction is thus an attack on Westlands' decision-making process," the appeal says. "It is unprecedented for a court to order an agency to stop a CEQA review, before an agency has even been able to complete that review and make its decision."

The U.S. Bureau of Reclamation has long been interested in raising the height of the dam. In 2015 the agency completed a separate environmental assessment on raising the dam 18½ feet.

Raising the dam would increase the capacity of Lake Shasta by about 14%.

That project would cost about \$1.4 billion, the agency said. But at the time, the bureau also said it would only pay 50% of the costs. The rest of the cost would need to be paid for by local or state agencies.



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

However, a law passed in 1989 prevents state agencies from participating in any project, including planning, that would have an adverse effect on the McCloud River, according to the Attorney General's Office.

The bureau's environmental assessment said raising the height of the dam would further inundate about two-thirds of a mile of the McCloud River.



McCloud River Photo by Tom O'Keefe, American Whitewater

While the Westlands district may be hundreds of miles away from Shasta Dam, it has an interest in water stored in Lake Shasta behind the dam. The district receives water from the Central Valley Project, which Shasta Dam is part of.

Lake Shasta provides about 55% of total annual water supply to the Central Valley Project, Westlands said in its court filing.

Back in 2007, Westlands spent \$35 million to buy the Bollibokka Fishing Club and almost 3,000 acres of forested land along a seven-mile stretch of the McCloud River just north of Lake Shasta.

An official said at the time that the district wanted the land along the McCloud to prevent a change in the land-use along the river that would prevent raising the height of Shasta Dam.



Workers did testing on Shasta Dam in 2018 to determine whether it could withstand having an additional 18 1/2 feet of concrete placed on the crest of the dam.  
(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. 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!*

<https://www.redding.com/story/news/2019/08/19/fresno-water-district-appeals-ruling-stop-work-shasta-dam-study/2052490001/>