

## State Supreme Court weighs in on Shasta Dam case

*Damon Arthur, Redding Record Searchlight*

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The California Supreme Court has rejected a Fresno-based water district's attempt to move forward with a study on raising the height of Shasta Dam.

The Westlands Water District had asked the Supreme Court to overturn a Shasta County Superior Court ruling that ordered the district to stop work on an environmental impact report on the project.

The ruling came after the California Attorney General's Office and several other environmental and industry groups sued the district, claiming the district's work on the environmental report violated state law.

The attorney general and other groups argued that the McCloud River, which is protected under state law, would be harmed by raising the height of the dam 18½ feet.

State and local agencies are prohibited from working on any project, including any planning, that would harm the river, the state and environmental groups argued.

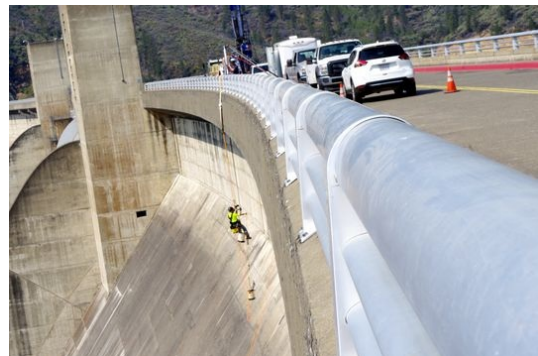
Raising the height of the dam would raise the level of Lake Shasta up to 20 feet when it is full.

Raising the lake level would inundate about two-thirds of a mile of the McCloud River, according to an earlier environmental report the U.S. Bureau of Reclamation did on the dam raising proposal.

Wednesday's Supreme Court decision was Westlands' the third court loss over the issue. A state appeals court also rejected the district's request to overturn the superior court ruling.

The environmental report was merely an effort to determine if it would be feasible for the district to be a partner in the project with the Bureau of Reclamation, Westlands' attorney Daniel O'Hanlon said in court.

But John McManus, executive director of the Golden Gate Salmon Association, said Westlands' argument did not make sense.



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)

"I think if you pay attorneys enough they can always come up with clever ways to twist reality," McManus said. The salmon association is one of the groups that sued Westlands.

He said he was curious about why Westlands continued to fight the issue in court. The association was one of the plaintiffs in the lawsuit.

"Someone at Westlands needs to make some fiscally responsible decisions about their legal strategy," McManus said. "It's clear that they are in violation of state law and every court in the land has agreed with that."

O'Hanlon did not return a phone call left Wednesday at his office in Sacramento.

The 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.

However, the bureau has said it will pay for only half the \$1.4 billion cost of raising the dam. The other half will need to be paid by local or state partners, the bureau said.



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

Jeffrey Hawk, a bureau spokesman, said there were other non-federal partners interested in helping to pay for raising the height of the dam, but he declined to say who they were.

He said the bureau also is still planning to issue construction contracts for the dam project by the end of the year, but that is "contingent on necessary congressional and statutory compliance approvals."



In addition to increasing the amount of water coming down the spillway of Shasta Dam, four of the five turbines were generating electricity Tuesday. (Photo: Damon Arthur/Record Searchlight)

Despite the Supreme Court's decision, the issue of Westlands' participation is also not settled. The court's decision halting the district's work was only a temporary injunction. A trial on the issue is still set for next spring.

Read our coverage of the Shasta Dam case:

[After AG sues, Westlands Water District says it's studying whether to support Shasta Dam raise](#)

[Judge rejects effort to move Shasta Dam lawsuit to Fresno](#)

[Judge delays ruling to stop Shasta Dam study](#)

[Judge orders Westlands to stop work on Shasta Dam raise](#)

[Water district appeals ruling to stop work on Shasta Dam analysis](#)

[Order to stop Shasta Dam raising report upheld by appeals court](#)

[Shasta Dam case appealed to California Supreme Court](#)

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