

Interior chief pushes Shasta project that his old lobbying client wanted

BY CORAL DAVENPORT NEW YORK TIMES
September 29, 2019

WASHINGTON For years, the Interior Department resisted proposals to raise the height of its towering Shasta Dam in Northern California. The department's own scientists and researchers concluded that doing so would endanger rare plants and animals in the area, as well as the bald eagle, and devastate the West Coast's salmon industry downstream. But the project is going forward now, in a big win for a powerful consortium of California farmers that stands to profit substantially by gaining access to more irrigation water from a higher dam and has been trying to get the project approved for more than a decade.



David Bernhardt

For much of the past decade, the chief lobbyist for the group was David Bernhardt. Today, Bernhardt is the interior secretary.

It is not the first time that the Interior Department under Bernhardt's leadership has taken actions that benefit his former client, the Westlands Water District, a state entity created at the behest of, and largely controlled by, some of California's wealthiest farmers. Bernhardt also promoted the weakening of an endangered-species regulation that would get Westlands more water, a move that has put him under scrutiny from his department's inspector general.

The Shasta is already one of the tallest dams in the nation, and preliminary work has begun to raise its height by 18.5 feet. That would allow it to hold about 14% more water, and the 1,000 or so Central Valley farmers that Westlands represents would receive more than anyone else.

"Prior to the Trump administration, this project was dead," said Jeffrey Mount, a water management expert with the Public Policy Institute of California. "Now it's coming to life. And Westlands would be the No. 1 winner here."

Under Bernhardt's leadership, the Interior Department has disregarded its own scientific and legal analysis showing that raising the Shasta not only would be

environmentally damaging and cost-prohibitive but also would also be illegal under California law. The state attorney general is suing to stop it.

This year, the Interior Department's Fish and Wildlife Service was told to prepare a new environmental review of the project, but this one will be much more limited in scope, according to a person familiar with the plans, who requested anonymity out of fear of retribution. The new plan would not analyze the effects on salmon habitat downstream or the effects on several rare species.

Excluding review of the dam's downstream effects is "like analyzing the impact of a loaded pistol without looking past the nose of the barrel," said Jon Rosenfield, a biologist at San Francisco Baykeeper, a conservation organization. The effects of storing more water behind the dam "are major and extend all the way down to San Francisco Bay," he said.

The Interior Department is also pursuing a deal, long sought by Westlands, whereby Westlands would help pay for the work to heighten the dam.

William Reilly, who ran the Environmental Protection Agency in the George H.W. Bush administration, said the credibility of environmental decisions "always rests on good science." The decision to raise the Shasta is an example of the Trump administration's disregarding scientific evidence when making policy, he said.

"When you see a pattern of not accepting scientific opinion, you lose trust in what the government has done, and it's very hard to get that back," Reilly said.

The Trump administration's ethics pledge requires former lobbyists to recuse themselves for two years from working on any specific issue area involving a particular party on which or for whom they lobbied in the two years before joining the administration.

The Interior Department's ethics office said it had reviewed Bernhardt's past lobbying for a law related to the Shasta Dam and concluded before his appointment that the law "was not a particular matter or specific issue area." As a result, it said, the ethics pledge did not prohibit him from decisions about the dam, unless they were on issues that were "a particular matter" involving his former client.

Bernhardt did not respond to detailed written questions.

Bernhardt's spokesman, Nicholas Goodwin, said, "Secretary Bernhardt is and has always been committed to upholding his ethical responsibilities, and he has fully complied with those obligations."

Thomas Birmingham, the general manager of Westlands Water District, said Bernhardt hadn't lobbied specifically on the issue of the enlargement of the Shasta Dam.

Bernhardt was appointed by Trump in 2017 as the Interior Department's deputy secretary. This year, he rose to the top job after his predecessor, Ryan Zinke, resigned following allegations of ethical misconduct.

Zinke's resignation was one of several high-level departures from the administration amid ethics scandals. Trump's first pick to lead the Environmental Protection Agency, Scott Pruitt, resigned last year amid federal investigations into suspected improper activities. He, too was succeeded by a former lobbyist, Andrew Wheeler, who previously had represented coal companies.

Pruitt and Zinke have denied wrongdoing.

The 602-foot Shasta Dam tames the Sacramento River 200 miles north of San Francisco. Built by the Interior Department from 1938 to 1945, it captures the annual snow melt from Mount Shasta, creating a vast reservoir that anchors California's federally operated irrigation system, routing water from the state's verdant north to the almond and pistachio farms of its arid Central Valley.

Today, however, California is suffering water shortages. For years, water demand has increased but supply has fallen as the warming climate diminishes Mount Shasta's snowpack. Westlands, the state's largest agricultural water user, has for decades pressed state and federal lawmakers for changes to provide it with more water.



A fallowed field is seen in Westlands Water District in California. For years the Interior Department resisted proposals to raise the height of Shasta Dam. But the project is going forward now in a big win for a powerful consortium of California farmers. Damon Winter NYT

Foes of raising the Shasta say that, among other things, it would violate state law prohibiting construction that harms waterways such as the McCloud River.

"It is explicitly against California law," said Mount of the Public Policy Institute. "The federal government needs a permit from the state in order to enlarge the Shasta."

Major concerns about the Shasta Dam have come from the Interior Department's own scientists, lawyers and economists. In November 2015, staff biologists at the Interior Department's Fish and Wildlife Service concluded in a 215-page report that raising the dam "would result in the loss, degradation, and fragmentation of habitat" in and around Shasta Lake and the Sacramento River, and throughout the San Francisco Bay Delta.

The report said the project would harm the habitat of many species, including not only the bald eagle but also the northern spotted owl and the Shasta snow-wreath, a delicate white flower. A higher dam would also cut off one of the main routes used by salmon to spawn by reducing the flow of water downstream. That could shrink the Pacific Coast salmon population, the report said, which scientists and fishermen say could devastate the West Coast salmon fishing industry.

"That Fish and Wildlife report tells us that raising the dam would choke the life out of the Sacramento River, and what that means for the West Coast salmon industry I shudder to think," said John McManus of the Golden Gate Salmon Association.



The critically endangered Delta Smelt is only a couple of inches long but [once] occupie[d] an important part of the food chain. Enlarging Shasta Dam could impact the ecosystem downstream as far as San Francisco Bay. B. Moose Peterson NYT [U.S. Fish & Wildlife Service]

https://eedition.sacbee.com/ccidist-replica-reader/?epub=https://eedition.sacbee.com/ccidist-ws/mcclatchy/mcclatchy_sac_newsbroad/issues/4365/&token=eyJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ9.eyJpc3MiOiJNY0NsYXRjaHkiLCJzZWUiOiI1MDAzNTUwOTQiLCJwdWZlIjp7InNhY3JhbWVudG9fc2FjX25ld3Nicm9hZCI6WyJBbGxTQUUMtNTAyOCIsImVIZGl0aW9uIl19LCJzZXNzaW9uIjoxNTcyMzgxMTEsLCJpYXQiOiE1Njk3ODkxMTEsImV4cCI6MTU2OTc5MDAxMX0.L12YeEAFkrOzSSCplOijqv7bmaXK2ZW7bhd_o2RPVko#/pages/2

FOR addendum: The NY Times story that appeared in the paper edition of the Sacramento Bee is an excerpt. We have altered (square brackets) the caption for the Delta smelt image because since the drastic decline of the Delta smelt it no longer can be said to occupy an important part of the food chain.