

Shasta Dam case appealed to California Supreme Court

Damon Arthur, Redding Record Searchlight Published 3:58 p.m. PT Sept. 8, 2019

A Fresno-based water district has filed an appeal with the California Supreme Court in an attempt to overturn a lower court ruling and get on with assessing the effects of raising the height of Shasta Dam.

The Westlands Water District was told by a judge in Shasta County Superior Court in July that it was violating the law by conducting an environmental impact report on the effects of raising the height of the dam.

The visiting superior court judge issued a preliminary injunction ordering the district to stop work on the report. The district appealed that decision, but the 3rd District Court of Appeal denied the request to overturn the lower court ruling.

Westlands wants to work with the U.S. Bureau of Reclamation and raise the height of Shasta Dam 18½ feet.

But earlier this year the California Attorney General's Office and several environmental groups sued Westlands, asking a court to stop the district from doing reports on the project.



Denise Miraldi of Fairfield takes a photo of Shasta Dam on Tuesday, which was releasing 30,000 cubic-feet per second of water. (Photo: Damon Arthur/Redding Searchlight)

[Westlands role in Shasta Dam-raising project takes a beating in Redding](#)

The lawsuit says raising the height of the dam would increase the level of Lake Shasta and further inundate the McCloud River, which flows into the lake. A state law prohibits any work that would harm the McCloud River, which is a state wild and scenic river, the lawsuit says.

The state and environmental groups said in the lawsuit that any work that would harm the McCloud River, including planning, and work on an environmental impact report, is prohibited under state law.

The district's lawyer, Daniel O'Hanlon, said the district was not violating the law because 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.

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, O'Hanlon said.

"The preliminary injunction is thus an attack on Westlands' decision-making process," the district said in an appeal. "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 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.



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

[Shasta Dam raising project runs into legal, congressional roadblocks](#)

[Tiny salamanders could stand in the way of massive \\$1.4 billion project to raise dam](#)

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@redning.com. Help local journalism thrive by subscribing today!

<https://www.redning.com/story/news/2019/09/08/shasta-dam-case-appealed-california-supreme-court/2259163001/>

FOR addendum: The California Wild & Scenic Rivers Act prohibits agencies of the state (such as Westlands) from assisting and cooperating with federal agencies in the planning and construction of projects that could have an adverse effect on the free-flowing character of the McCloud River. The McCloud River is protected by specific provisions of the California Wild and Scenic Rivers Act but is not a formal part of the wild and scenic rivers system