

Westlands Water District drops from bid to heighten Shasta Dam

By Malcolm MacLachlan
Daily Journal Staff Writer

The Westlands Water District has agreed to end its participation in a bid to raise the height of the Shasta Dam, according to stipulations signed last week.

The agency attempted to be create an environmental impact report under the California Environmental Quality Act with the goal of becoming a partner in the \$1.3 billion project proposed by the U.S. Bureau of Reclamation. The agreement bars Westlands from writing the environmental report or entering into agreements or buying

property with the goal of raising the dam.

According to lawsuits filed against Westlands, these acts violated a specific 1989 amendment to the California Wild & Scenic Rivers Act.

However, Westlands General Manager Tom Birmingham took issue with how Attorney General Xavier Becerra characterized the deal in a Friday press release. Birmingham said it had never been proven his agency violated the law, adding it is still possible a dam raising project could happen at some future date.

The agreement came after Westlands suffered a series of setbacks

in recent weeks that led to it abandoning its role in the effort to raise the dam by 18.5 feet. The deal settles three cases in Shasta County Superior Court: *California v. Westlands Water District*, 192487 (filed May 13, 2019), *Friends of the River v. Westlands Water District*, 192490 (filed May 13, 2019), and *North Coast Rivers Alliance v. Westlands Water District*, 192958 (filed July 5, 2019).

"This unlawful project would have hurt the McCloud River, and the communities and species that depend on it," Becerra said in the press release.

This is a reference to the small, 77-mile river that eventually flows

into the Sacramento River and then into Shasta Lake. Forty years ago, the Legislature amended the act to specifically protect the McCloud.

The project "would flood the protected, free-flowing McCloud River, destroy Native American cultural sites, and harm protected and imperiled species," argued the complaint filed by Friends of the River.

Birmingham said it was never proven the project would do that. He said Westlands made the agreement to avoid the cost of litigation, but his Fresno-based agency was free to continue to study the idea "in the abstract."

"The question is, would the dam

raise have an effect on the free-flowing condition of the McCloud River and trout fishery," Birmingham said. "That is a question that has never been objectively evaluated by any agency of the state of California." The Bureau of Reclamation's own 2015 study found the project likely would negatively impact the McCloud River, but Westlands officials have criticized those conclusions and called for more investigation.

Becerra's office did not reply to an email seeking comment on Birmingham's statement. Still, environmental groups took a victory lap.

"Westlands illegally tried to get

around California law, and the courts said no," said John McManus with the Golden State Salmon Association, in a press release from EarthJustice. The association did not return a call seeking further comment. The loss of Westlands endangers the project in part due to a 2016 federal law requiring local or state partners in projects to expand federal water storage projects.

In July, the superior court issued an injunction blocking Westlands' participation in the project pending the outcome of the trial. Westlands announced in September it was canceling the CEQA report.

malcolm_macLachlan@dailyjournal.com