

# **PRESS RELEASE:**

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### **Federal Water Transfers Challenged in Court** Sacramento Valley Communities, Farms, and Fish in Jeopardy

**Chico, CA** – AquAlliance, the California Sportfishing Protection Alliance (CSPA), and the California Water Impact Network (CWIN) have filed a lawsuit against the U.S. Bureau of Reclamation (Bureau) to protect the economy and the environment of the northern Sacramento Valley.

The Bureau's Environmental Assessment (EA) and Findings of No Significant Impact (FONSI) for the 2010-2011 Water Transfer Program reveals plans to export 395,000 acre-feet of Central Valley Project (CVP) and State Water Project (SWP) water to buyers south of the San Francisco Bay Sacramento/San Joaquin Delta. To replace the water sold to San Joaquin Valley growers in low-priority water districts, the plan would permit Sacramento Valley surface water right holders to substitute 154,237 acre-feet of groundwater to continue rice production. The plaintiff groups allege that the EA/FONSI violates the National Environmental Policy Act (NEPA) because, among other things, it:

- Fails to support the Bureau's proposed finding of no significant impact,
- Contains a fundamentally flawed alternatives analysis, and
- Inadequately analyzes the impacts from implementing the two years transfer program.

The lawsuit seeks comprehensive NEPA environmental review for the water transfer program. Repeated water transfer projects in the last decade have all occurred without the benefit of thorough federal or state environmental analysis, which would require the establishment of baseline conditions, comprehensive monitoring, and the disclosure of impacts.

“The federal and state agencies and water contractors continue to see the Sacramento River's watershed as the last exploitable solution to their manipulation of California's water for urban sprawl and desert agriculture south of the Delta,” stated Barbara Vlamis, AquAlliance's executive director. “This lawsuit is necessary because the agencies have failed to demonstrate that they will not leave the Sacramento Valley in the same disastrous condition as the Owens and San Joaquin valleys,” Vlamis concluded.

“This program walks like a drought water bank, talks like a drought water bank, and looks like a drought water bank,” said C-WIN executive director Carolee Krieger, “but the drought is over. There is no need for this program and the harm it can cause in the Delta. The governor expresses sympathy for Gulf Coast commercial fishing businesses harmed by the BP oil spill while ignoring the plight of California's commercial anglers as their fisheries are ruined by Delta export pumping.”

“The Bureau's fallacious claim that massive serial water transfers from the Sacramento Valley to irrigate the southern desert have no significant impact on the farms, communities, fish and wildlife of the Sacramento Valley and the Delta Estuary evidences either a breathtaking incompetence or a flagrant contempt for the law, the environment and the people of the Sacramento Valley and Delta,” said CSPA executive director Bill Jennings. “We sue to compel compliance with that most basic of all environmental laws; i.e., the requirement to adequately analyze and disclose the impacts of a project,” he said.

## CONTACT INFORMATION

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## ORGANIZATIONS

AquAlliance was founded in 2010 to protect waters in the northern Sacramento River's watershed to sustain family farms, communities, creeks and rivers, native flora and fauna, vernal pools, and recreation. [www.aqualliance.net](http://www.aqualliance.net)

The California Sportfishing Protection Alliance is a non-profit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality and fishery resources and their aquatic and riparian ecosystems. [www.calsport.org](http://www.calsport.org)

The California Water Impact Network promotes the equitable and environmental use of California's water, including instream uses, through research, planning, public education, and litigation. [www.c-win.org](http://www.c-win.org)

## LITIGATION BACKGROUND

On January 5, 2010 the Bureau of Reclamation (Bureau) circulated an Environmental Assessment and Finding of No Significant Impact (EA/FONSI) for public comment for the 2010-2011 Water Transfer Program (Program) that would send 395,000 acre feet of Sacramento Valley water south of the Delta for the years of 2010-2011. They allowed only 14 days for public response, despite many requests for an extension. The plaintiffs submitted extensive comments on the EA/FONSI ([www.aqualliance.net](http://www.aqualliance.net)), but the 2010-2011 Program continues unchanged.

The Program will transfer Central Valley Project (CVP) and State Water Project (SWP) water by fallowing rice fields and significantly increasing groundwater substitution in Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Yolo, and Yuba counties. The Bureau and the California Department of Water Resources (DWR) want to keep water moving south of the Delta while they prepare for more permanent transfers in a programmatic Environmental Impact Statement in 2012. DWR, while mentioned in the Bureau's federal EA, has not completed programmatic state review as required by the California Environmental Quality Act. Both the Bureau's EA/FONSI and DWR's omission are vulnerable to legal challenges. AquAlliance, the California Sportfishing Protection Alliance, and the California Water Impact Network filed a lawsuit in federal court on Jul 1, 2010 to challenge the Bureau's EA/FONSI since we believe that the Program is likely to increase fish mortality, further degrade water quality for agricultural and municipal supplies,

endanger many aquatic, terrestrial and avian species, and further strain groundwater basins in the Sacramento Valley.

Within the 2010-2011 Program, there is a significant increase in groundwater substitution from the 55,000 acre-feet used in the 2009 Drought Water Bank transfers. This is the same pattern DWR used when they increased from tens of thousands of acre-feet in groundwater substitution in the 1991 and 1992 Drought Water Banks to 105,000 AF in 1994 when significant impacts occurred to area farmers and to residential and municipal wells in Durham. There was no accounting of impacts to surface or ground waters during the 1991-1994 Drought Water Banks and there is no plan to monitor them for this 2010-2011 Program. Individual “monitoring and mitigation programs” by ‘willing sellers’ is the window dressing for legal monitoring and mitigation requirements.

### **Additional Programs and Plans**

The Bureau and its contractors are party to numerous current and reasonably foreseeable water programs and plans that are related to the water transfers, “research,” and exploitation of area groundwater. Here is a partial list:

- Sacramento Valley Water Management Agreement (Phase 8, October 2001)
- Regional Integration of the Lower Tuscan Groundwater Formation into the Sacramento Valley Surface Water System Through Conjunctive Water Management (June 2005)
- Sacramento Valley Integrated Regional Water Management Plan (2006)
- Sacramento Valley Regional Water Management Plan (January 2006)
- Stony Creek Fan Conjunctive Water Management Program (2010 presentation).
- Draft Initial Study for 2008-2009 Glenn-Colusa Irrigation District Landowner Groundwater Well Program
- Stony Creek Fan Aquifer Performance Testing Plan for 2008-09
- *Lower Tuscan Integrated Planning Program*, a program funded by the Bureau that will “integrate the Lower Tuscan formation aquifer system into the management of regional water supplies.”
- Annual forbearance agreements (2008 had an estimated 160,000 acre-feet proposed).
- 2009 Drought Water Bank proposed to transfer up to 400,000 acre-feet.