

Plaintiffs Prevail in Challenge to Federal Water Transfers

Chico, CA – Plaintiffs Prevail in Challenge to Federal Water Transfers

AquAlliance, the California Sportfishing Protection Alliance and the California Water Impact Network sued the U.S. Bureau of Reclamation (Bureau) in 2010 to protect the economy and the environment of the northern Sacramento Valley. The plaintiffs prevailed in August 2011 because no water was transferred over the two year project period and the comprehensive environmental review that was sought is being developed (see 10-Year Water Transfer Program).

The Bureau's Environmental Assessment (EA) and Findings of No Significant Impact (FONSI) for the 2010-2011 Water Transfer Program revealed 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 have permitted Sacramento Valley surface water right holders to substitute 154,237 acre-feet of ground water to continue rice production. The plaintiff groups alleged that the EA/FONSI violated the National Environmental Policy Act (NEPA) because, among other things, it:

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

The lawsuit sought comprehensive NEPA environmental review for the water transfer program and, as mentioned above, will be released soon. 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.

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

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

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