



**For Immediate Release: Monday, June 17, 2013**

## **Statewide Coalition of Fishing, Environmental, Farming Advocates Sues to Halt Delta Plan, Water Export Tunnels**

*“Arbitrary, Destructive” State Action Violates Delta Reform Act and CEQA*

San Francisco, CA - A statewide coalition of fishing, environmental and farming groups today announced the filing of a lawsuit to “vacate” the Delta Plan, which lays the groundwork for Delta water export tunnels. The lawsuit, filed in San Francisco Superior Court on behalf of groups from both Southern and Northern California, alleges that the Delta Stewardship Council’s Delta Plan violates both the Delta Reform Act and the California Environmental Quality Act (CEQA). The coalition seeks to have the Delta Plan and its Preliminary Environmental Impact Report (PEIR) set aside for failing to disclose and analyze the devastating adverse environmental consequences on Northern California rivers, the Delta, and endangered species of fish, resulting from taking enormous quantities of fresh water out of the Sacramento River upstream from the Delta. The lawsuit seeks to suspend any activity based on the Plan that could change the physical environment until the Council has met its legal requirements. This would include constructing the Brown Administration’s proposed water export tunnels.

“The Delta Reform Act gave the Delta Stewardship Council an historic opportunity to remedy 40 years of water policy failures. The council instead failed to use the best available science – biological or economic - and adopted a status quo program that fails to fix the Delta or the water supply problem,” said Santa Barbara resident Carolee Krieger, executive director of the statewide California Water Impact Network (C-WIN), a statewide water advocacy organization. “The Council failed to honor its own mandate: the adoption of an effective strategy for the distribution of water and the preservation of the Delta.”

Bob Wright, Senior Counsel for Friends of the River, said, “Seeking relief from the courts is now necessary to protect our rivers and fish from this arbitrary, destructive action. The Council’s plan is part of the worst threat to Northern California rivers in history, and continues State agencies’ efforts to take the water regardless of the adverse consequences. The Delta Plan calls for the Delta Water Tunnels with one hand. But with the other hand, the Delta Stewardship Council violated the California Environmental Quality Act by failing to disclose and analyze the devastating adverse environmental consequences on Northern California rivers, the Delta, and

endangered species of fish resulting from taking enormous quantities of freshwater out of the Sacramento River upstream from the Delta.”

Bill Jennings, executive director of the California Sportfishing Protection Alliance, said, “California is in a water crisis and the biological tapestry of the Delta is hemorrhaging. The causes are obvious: we’ve over promised, wasted and inequitably allocated limited water resources. We’ve deprived the estuary of more than half its flow, turned its hydrograph on its head and used its waters as sewers. This crisis evolved because state and federal agencies egregiously failed to enforce and comply with the broad suite of laws enacted to prevent it. We implored the Council to undertake a series of necessary analyses because the responsible agencies have refused to conduct them. Because the Council failed to identify and analyze the root causes of California’s water crisis – over-appropriation, unreasonable use, failure to balance the public trust – the Plan and EIR are little more than a ratification of an unsustainable status quo. It largely recommends that agencies should continue to do the same things that created the crisis in the first place. The Plan and EIR ignore history and are predicated on an artificial reality. They’re little more than omelets of half-truth and distortion to justify predetermined conclusions.”

Adam Lazar, Counsel for the Center for Biodiversity, said, “The welfare of human beings is deeply linked to nature. The Delta Plan and water export tunnels would devastate the environment of not just the Delta, but also San Francisco Bay and the estuary it depends upon. We want those who come after us to inherit a California that is still vibrant.”

Barbara Vlamis, of Chico, executive director of AquAlliance, said, “We join this lawsuit because we are the heart of the area of origin for the Sacramento River watershed. The Tuscan Aquifer in Butte, Glenn and Tehama counties is the groundwater foundation that supports the streams and rivers that are vital for farms, fish, and communities throughout California. The Delta Plan’s goal to expand groundwater storage north of the Delta is a fool’s errand. The State of California has failed to protect its groundwater, and has acknowledged serious overdraft in 11 basins. The only reason we don’t know of more overdraft conditions is because the State Dept. of Water Resources hasn’t studied this since 1980! If water transfers increase in scope and duration, particularly when groundwater is substituted for surface water, it will escalate the losses already underway in the Sacramento River watershed’s creeks and rivers and will jeopardize what remains of the hydrologic system that supports the majority of California’s economy, the Central Valley’s fish and flyway, and the largest estuary in North America: the Sacramento/San Joaquin Bay Delta.”

Barbara Barrigan-Parrilla, executive director of Restore the Delta, said, “The Delta Stewardship Council failed their legislative mandate to address the protection and enhancement of Delta agriculture, and the Delta as a Place, including failing to analyze the Plan’s regional and statewide economic impacts. The Council failed to conduct a comprehensive benefit/cost analysis indispensable for maximizing the use of limited resources for the greatest good for all Californians. And by not conducting this essential piece of work, they have forgotten the impacts of water diversions on the \$5.2 billion annual Delta agriculture economy, the \$750 million per year Delta recreation economy, and the \$1.5 billion per year California coastal salmon economy. We believe the reason the Council refused to perform all the above analyses is that they expect the science would not support the construction of the Peripheral Tunnels. There is a better solution that includes upgrading Delta levees, reducing exported water to a sustainable level that restores fisheries and investing in regional water projects.”

Mike Jackson, attorney for C-WIN, Restore the Delta, California Sportfishing Protection Alliance, and AquAlliance, said, “This lawsuit challenges the foundation that is being laid to build the water export tunnels. Without the Delta Plan in place, the tunnels cannot win approval for the needed permits. This is the opening salvo in what will be an epic legal battle over California’s water future.”

#30#

## CONTACTS

### **AquAlliance**

Barbara Vlamis, Executive  
Director  
530.895.9420  
530.519.7468 (cell)  
[barbarav@aqualliance.net](mailto:barbarav@aqualliance.net)

### **California Sportfishing Protection Alliance**

Bill Jennings, Chairman  
(209) 464-5067  
[deltakeep@me.com](mailto:deltakeep@me.com)

### **California Water Impact Network**

Carolee Krieger, President  
(805) 969-0824  
[caroleekrieger@cox.net](mailto:caroleekrieger@cox.net)

### **Center for Biological Diversity**

Adam Lazar, attorney  
415.436.9682 x320  
[alazar@biologicaldiversity.org](mailto:alazar@biologicaldiversity.org)

### **Friends of the River**

Bob Wright, attorney  
916.442.3155 x 207  
[bwright@friendsoftheriver.org](mailto:bwright@friendsoftheriver.org)

### **Restore the Delta**

Barbara Barrigan Parilla,  
Executive Director  
209.479.2053  
[Barbara@restorethedelta.org](mailto:Barbara@restorethedelta.org)