

AQUALLIANCE

DEFENDING NORTHERN CALIFORNIA WATERS

Press Release

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Lawsuit Filed Against Twin Tunnels (aka WaterFix) DWR Gets Another Failing Grade

Chico, CA. AquAlliance and a coalition filed a lawsuit in state court against the Department of Water Resources (DWR) over their Environmental Impact Report's (EIR) inadequate disclosure, avoidance of impacts, analysis, and mitigation for the proposed Twin Tunnels. The over 50,000-page EIR was certified by DWR on July 21, 2017.

“Californians aren’t doomed to repeat past destructive practices that have emptied the Owens Valley and caused the literal collapse of the San Joaquin Valley,” asserted Barbara Vlamis, AquAlliance’s Executive Director. “We are smart enough now to know that the Twin Tunnels would destroy California’s largest river’s watershed and valley, which is essential for the health of the entire state. “

To that end, some of the most significant CEQA allegations produced by AquAlliance in the lawsuit to stop the WaterFix include that the EIR:

- Failed to identify the source water that is intended to make up for flows diverted through the Twin Tunnels.
- Failed to disclose the over appropriation of water rights in the Sacramento River Watershed.¹
- Failed to disclose the existing conditions of Sacramento Valley groundwater.²
- Failed to disclose and analyze the direct and indirect groundwater impacts to the Sacramento Valley that would result from expanded north-to south, cross-Delta water transfers.³

Also of interest to Sacramento Valley and foothill residents is that DWR’s documents do acknowledge that the Tunnels project adds “...additional capacity to move transfer water from areas upstream of the Delta to export service areas and provides a longer transfer

¹ The average annual unimpaired flow in the Sacramento River basin is 21.6 MAF, but the consumptive use claims are an extraordinary 120.6 MAF. (California Water Impact Network, AquAlliance, and California Sportfishing Protection Alliance 2012. *Testimony on Water Availability Analysis for Trinity, Sacramento, and San Joaquin River Basins Tributary to the Bay-Delta Estuary*)

² AquAlliance, 2015. Comments on the SDEIS/REIR pp. 7-9

³ *Id.* p.9

window,” and that “Groundwater substitution transfers could approach as much as 400,000 acre-feet in any given year...” Vlamis explained that, “Transfers are dangerous to areas-of-origin as they facilitate expanded demand, which usually becomes long-term, cause impacts to local economies, and affect neighboring farms and residences when groundwater is included in a transfer.”⁴

- More information is found in the lawsuit’s filing coalition’s press release at: www.aqualliance.net/ground-water-issues/lawsuit-challenges-destructive-delta-tunnels-project-in-california
- For a link to the complaint , visit www.aqualliance.net.
- State documents may be found at: www.californiawaterfix.com/resources/planning-process/eir-eis/

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AquAlliance is a 501 (c) (3) non-profit public benefit corporation established to defend northern California waters and to challenge threats to the hydrologic health of the northern Sacramento River watershed to sustain family farms, communities, creeks and rivers, native flora and fauna, vernal pools and recreation. www.aqualliance.net

Background

The complaint was filed by AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, Center for Biological Diversity, Center for Food Safety, Friends of the River, Friends of Stone Lakes National Wildlife Refuge, Planning and Conservation League, Restore the Delta, Save Our Sandhill Cranes, and Sierra Club California. The complaint states that the project approval violates the California Environmental Quality Act (CEQA), Delta Reform Act, California’s “Fully Protected Species” statutes, and the California Public Trust Doctrine.

An EIR is required to consider reasonable alternatives to a project, but among many failings in the EIR, DWR ignored a range of alternatives that would increase freshwater flows and reduce water system reliance on Delta water and its watershed through recycling, conservation, and water use efficiency. Despite demands for a new environmental review document, DWR certified the flawed EIR and approved the project on July 21, 2017.⁵

Additional CEQA allegations brought forth by AquAlliance include that the EIR:

- Failed to disclose significant past, present, and future groundwater and streamflow depletion.⁵
- Failed to disclose the Lead Agencies’ conjunctive use and water transfer plans, programs, projects, and funding.
- Vastly understated the extent of groundwater depletion in the San Joaquin Valley.⁶

⁴ <http://www.aqualliance.net/ground-water-issues/lawsuit-filed-against-10-year-water-transfer-program/>

⁵ AquAlliance, 2015. Comments on the WaterFix SDEIS/RDEIR. pp. 10-14

⁶ *Id.* pp. 14-15

- Failed to adequately disclose the existing geology that is the foundation of the Sacramento River's hydrology and the Sacramento Valley's groundwater basins.⁷
- Failed to use verifiable and reproducible scientific methods for groundwater analysis with the Central Valley Hydrologic Model.⁸
- Failed to assess the seismic risks to the Twin Tunnels, deferring it to the design and construction phases of the project, but did explicitly admit that no substantial efforts toward accurate identification of seismic risks yet exist within the plan's scope.⁹
- Failed to provide realistic mitigation plans for the very-real risk that liquefaction could destroy the project once it is built (or even damage components of the system during construction).¹⁰
- Failed to adequately analyze the potential for subsidence effects during both the construction and operation of the project.¹¹
- Relied on a deficient model to analyze the effects of the project and its alternatives.¹²

⁷ AquAlliance, 2015. Comments on the SDEIS/REIR p. 6

⁸ AquAlliance, 2014 Comments by Dr. Kyran Mish. p. 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* pp.4-6.

¹² AquAlliance, 2014 Comments by Dr. Kyran Mish. pp. 6-9.