

# Judge throws out Delta Plan, twin tunnels for now

**Heather Hacking, Chico Enterprise-Record, 6-23-16**

Sacramento --Barbara Vlamis, director of Chico-based AquAlliance.net, was dancing on the grave of the Delta Plan Thursday.

Her group was among a coalition that challenged the environmental review of the plan, which includes plans for the hotly-contested twin tunnels.

However, a judge's decision in May, and a clarification this week, invalidated the plan because it did not meet the laws passed by the state legislature in 2009. Because the plan was invalidated, the questions about compliance with environmental review laws don't apply, Judge Michael Kenny stated in a six-page document released Thursday.

AquAlliance has been strongly against the idea of the twin tunnels since the days when the state was still calling for a canal around the delta. Her group was among those that filed a lawsuit against the Delta Plan in June 2013, <http://tinyurl.com/zl9uj2w>.

At that same time, the State Water Contractors filed a separate lawsuit against the plan, also citing violations to the California Environmental Quality Act as well as whether the plan followed the requirements of the Delta Reform Act.

In May, a ruling was released on the statutory requirements of the Delta Plan. However, it was still unclear what that ruling meant.

Vlamis said Thursday that attorneys for her group met with attorneys for the water contractors and asked the court for clarifications.

Kenny was very clear Thursday. The delta plan is invalid, he stated in the document.

The Delta Reform Act called for measurable targets for reduced reliance on the delta, reduced environmental harm from invasive species, restoration of more natural flows and increased water supply reliability.

In the court ruling, the judge writes that the Delta Plan provides vague recommendations, but does not provide a "quantified or otherwise measurable target," as was required in the law.

As for the questions on adequate environmental review raised by AquAlliance and others, the judge said those questions no longer apply because the plan needs to be rewritten.

## **Delta Plan still alive**

Keith Coolidge, spokesman for the Delta Stewardship Council, saw the judge's decision differently. The judge invalidated just a few aspects of the Delta Plan, he said, and based that decision on where the plan was at when the lawsuits were filed in 2013. Since, then the Delta Stewardship Council has done more work.

The Council may end up appealing the most recent decision to try to uphold other parts of the plan, such as blocking development in floodways, reserving area for future habitat preservation, etc. He said his concerns is that those protections are now no longer in place.

“The delta remains in crisis. Now is not the time to set aside the state’s only comprehensive management plan” for the delta.

Coolidge said the ruling this week is not about the delta tunnels, but the overall Delta Plan.

AquAlliance’s coalition for the 2013 lawsuit included California Water Impact Network, California Sportfishing Protection Alliance, Restore the Delta, Friends of the River and the Center for Biological Diversity.

One key feature of the Delta Plan is to provide reliable water supplies, which means the twin tunnels, she said. However, other key issues for Vlamis and her group is that “they don’t even allude to where the water is coming from,” to meet those supply issues.

“That’s just ludicrous,” Vlamis said.

The Delta Plan was years in the making. The process began with the passage of a group of water bills at the end of 2009. The goals are to improve statewide water supply reliability, while protecting the delta ecosystem.

Before approval in 2013, the plan went through eight revisions. Originally, the Bay Delta Conservation Plan was to be incorporated into the Delta Plan. However, the BDCP has now been changed to the “California Water Fix.”

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