

Butte Environmental Council



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Activities and Events

Environmental Advocacy
Environmental Education
Groundwater Protection
Endangered Species Faire
Bidwell Park Cleanups
Chico Area Creek Cleanups
Recycling Referrals
Wetlands Preservation

Staff

Nikki Schlaishunt

Administrative Director

Robin Huffman

Advocacy Director

Mary Muchowski

Education & Outreach Coordinator

Maggi Barry

Office Manager / E&O Assistant

Board of Directors

Jim Gregg, Chair

Pamela Posey, Secretary

Mark Stemen, Treasurer

Crystal Durham

Mike McLaughlin

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FOR IMMEDIATE RELEASE

BUTTE ENVIRONMENTAL COUNCIL SETTLES SUIT WITH COUNTY OVER TUSCAN AQUIFER GROUNDWATER STUDY

Butte County, CA – October 27, 2010 – The Butte Environmental Council (BEC) announced today that it had settled its lawsuit with Butte County challenging the Tuscan Aquifer monitoring, recharge, and data management project approved by the Board of Supervisors in September, 2008. BEC Board Chair, James Gregg, and Butte County Board of Supervisors Chairman, Bill Connelly, signed the final Settlement Agreement between the parties late last week.

The lawsuit, filed by BEC on October 27, 2008, sought an order by the Butte Superior Court overturning the decisions and actions of the Board of Supervisors approving a contract with the California Department of Water Resources (DWR) to conduct a three-year groundwater study of the lower Tuscan Aquifer. BEC's suit claimed that the Mitigated Negative Declaration under the California Environmental Quality Act (CEQA) was inadequate and that the County was required to prepare an Environmental Impact Report.

In May, 2009, after extensive settlement negotiations with the County, conducted by former BEC Executive Director, Barbara Vlamis, and after funding from DWR was delayed due to reductions in the state budget, the Board of Supervisors rescinded its original resolution approving the environmental review document and postponed the commencement of the project until a new environmental review could be completed.

Under the direction of the County Water Resources Department Director, Paul Gosselin, the County Planning Department staff, with assistance from outside consultants, prepared and circulated a substantially revised Mitigated Negative Declaration which addressed the issues raised in the BEC lawsuit. After many months of public review, extensive comments from BEC Advocacy Director, Robin Huffman, and its Water Resources Advocate, Carol Perkins, hearings were held before the County Water Commission and the Board of Supervisors. On July 13, 2010, the Board of Supervisors approved and certified the new revised environmental review document on a 5-0 vote. During the final hearing, the Board complimented the BEC representatives for their cooperation and assistance to County Staff and consultants in producing an improved document which provided defined sites for the test monitoring wells and protection of environmental resources during the course of the study.

Pursuant to the terms of the Settlement Agreement, BEC agreed to dismiss its claims under the California Environmental Quality Act and the State Planning and Zoning Law. The County agreed to provide additional public notice of the project activities; to appoint a representative of BEC to the Technical Steering Committee; and to make the data and results from the project publicly

available. In addition, the County agreed to provide BEC with a copy of the Butte Basin Groundwater Model and to evaluate the degree of agreement between the measured values from the project and the current values in the Butte Basin Groundwater Model. The County also provided assurance that the project will not provide documentation, analysis, or modeling to justify specific water transfers from the Lower Tuscan Aquifer. Finally, the County agreed to pay BEC attorney's fees and costs for the services of local attorney, Richard L. Harriman, over the past two years.

After learning of the final settlement of the lawsuit, Dr. Gregg expressed his appreciation on behalf of the BEC Board of Directors to the Board of Supervisors for the diligent efforts of County staff, including Paul Gosselin and County Counsel's office, in the resolution of this dispute and for the improved environmental review of the project. Dr. Gregg thanked Barbara Vlamis for her efforts on this project and wished her future success with her new organization. He also commended the BEC advocacy, consulting, and legal team for "making a difference" in protecting the natural resources and environmental values of Butte County.

The Butte Environmental Council (BEC) has been protecting Butte County's land, air and water since 1975 through environmental advocacy and education. For more information about our work and programs, visit our website at www.becnet.org

Robin Huffman, Advocacy Director

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