

BEC files notice for lawsuit over Butte County General Plan

By HEATHER HACKING - Staff Writer
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The future use of water in Butte County is a major point in a notice of intention to file a lawsuit filed Monday by the Butte Environmental Council.

BEC states the county's General Plan 2030 should include a more comprehensive analysis of how future development will affect groundwater and other water resources.

The notice, filed in Butte County Superior Court, also targets the housing and land use elements of the General Plan, stating these fail to identify emergency fire evacuation routes for people in Paradise and surrounding canyon areas.

Leaders of BEC said they filed the document reluctantly. The next step is a settlement conference, which would take place before any actual filing of a lawsuit.

BEC President Jim Gregg said there has been a failure to make a cumulative study on the Tuscan Aquifer and the groundwater, and that he is "puzzled by the county's neglect or refusal to listen to the public over the period of time the General Plan was going on."

The county did adopt a water element in the General Plan, but "BEC is concerned if you go into areas like Butte Valley (near Butte College), where there are already individual wells that are dropping, we better find out what's going on with that aquifer."

The role of BEC "is to serve as a watchdog on public officials" and see that they follow the California Environmental Quality Act, he said.

Groundwater stretches over county lines, he said, and a more comprehensive study of impacts is needed.

Butte County's lead attorney, Bruce Alpert, said legal action is "a shame after the work of thousands of Butte County citizens" on the General Plan.

"This will cost the taxpayers quite a lot of money," Alpert said.

The General Plan was adopted Oct. 26 and "is in effect unless the court says otherwise."

If the case goes to a suit, a decision will be made in Superior Court, and then either party can appeal.

"It could be several years before a final decision," he noted.

Alpert said the Board of Supervisors "even went the extra mile to put in a water element, which is not required. The idea that we haven't studied and considered water in Butte County is not accurate."

He said several water studies have been done, including one of the Tuscan Aquifer that is currently under way.

"This is just difficult to understand."