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Joaquin Esquivel, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

January 17, 2020

Re: **Restarting the Board's Bay-Delta Plan Process**

Dear Chairman Esquivel and Board Members:

We are writing on behalf of environmental, fishing, tribal and environmental justice interests to urge the Board to move forward, as rapidly as possible, with the process of adopting and implementing an updated, more protective Bay-Delta Water Quality Control Plan. In particular, we urge you to implement San Joaquin River objectives and adopt and implement Sacramento River and Delta objectives as soon as possible.

Over the past year, the Board has devoted a great deal of time to the analysis of the current package of proposed voluntary agreements (VAs). Initial modelling results have now been released, making this an appropriate moment to step back and evaluate progress in the VA process. Today, it is clear that it is time for the Board to move forward.

There is abundant evidence of the need for prompt action to set stronger Bay-Delta flow objectives. This evidence is summarized in the Board's work analyzing the state of the science regarding Bay-Delta flows. It is supported by additional scientific work, including the recently released 2019 State of the Estuary report.

The need for prompt action is seen in the disastrous state of many Bay-Delta fish species. Some are on the brink of extinction. Some, such as listed Chinook salmon runs, have reached record lows since the Bay-Delta Plan was last updated – causing a two-year shutdown of the commercial and recreational salmon fishing industry. Over the past decade, we have moved farther from, rather than closer to, achievement of the Bay-Delta Plan's salmon doubling requirement. The signs of this ecosystem crisis are also seen in the growing outbreaks of toxic blue green algae in the Delta, which pose a significant threat to Delta communities.

The current Bay-Delta objectives were set in 1995. Despite the compelling case for stronger objectives, as well as the legal requirement for triennial review and associated updates of these objectives as needed to protect beneficial uses, the Board has failed to complete its first update of the Bay-Delta Plan in a quarter century.

The State Water Board's current "triennial" review of Bay-Delta water quality standards began in August 2008. Your Bay-Delta flow criteria document, which presented a strong case for improved standards, was completed in 2010. In May of 2013, the Delta Stewardship Council identified June of 2014 as the desired endpoint for updating the Bay-Delta Plan. Water users have had a decade to suggest a credible alternative approach. They have not yet done so.

In November of 2015, Secretary Laird suggested that a final VA package would be complete by December 2016. And in December of 2018, the Board was told that a comprehensive VA package was nearly complete that would offer a level of protection equivalent to or better than the approach in the Board's adopted Phase 1 standards and Phase 2 framework. DWR and CDFW committed to develop a final VA package by last March. However, since December of 2018, the most significant development regarding the inadequate flow assets in the VA package is a disastrous set of federal biological opinions that – if implemented – would reduce ecosystem flows in the Bay-Delta system. The amount of water and habitat in the current VA proposals is dramatically inadequate.

We understand the Board has encouraged voluntary agreements on the assumption that such agreements help fast-track implementation. However, the result to date has been that the Board has delayed action while waiting for VAs to be developed.

It is time for the Board to move forward with its own process, as required by law. Prompt action is essential to protect the integrity of the State Board's standard setting process, as well as to demonstrate the independence of the State Board. By moving forward now, the Board can demonstrate its commitment to fulfil its responsibilities under state law to protect the public trust assets of the people of California.

Thank you for considering this request.

Sincerely,

John McManus
Golden State Salmon Association

Doug Obegi
Natural Resources Defense Council

Caleen Sisk
Winnemem Wintu Tribe

Chris Shutes
California Sportfishing Protection Alliance

Brandon Dawson
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Jon Rosenfield
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Peter Drekmeier
Tuolumne River Trust

Eric Wesselman
Friends of the River

Jeff Miller
Alameda Creek Alliance

John Buckley
Central Sierra Environmental Resource Center

Vance Staplin
Double X Tackle

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Institute for Fisheries Resources

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Reel Magic

Kristina Pappas
San Francisco League of Conservation Voters

Richard Poole
Water4Fish
Pro-Troll

Cc: Jared Blumenfeld, CalEPA Secretary
Wade Crowfoot, Resources Secretary