



April 2024

In This Newsletter:

Court Rules in Favor of CSPA in Lake Tahoe Herbicide Case

[CSPA Urges Regulators to Control Toxic Pollution from Selenium](#)

Newsom's Updated California Water Plan

[State Board Proposes Order to Set Aside Water Quality Certifications](#)

CSPA Addresses State Board on Voluntary Agreements

[Celebrating the Life and Achievements of Bill Jennings](#)

Court Rules in Favor of CSPA in Lake Tahoe Herbicide Case

CSPA and Sierra Club Tahoe Area Group are thrilled to announce victory in their lawsuit against herbicide discharges into the Tahoe Keys lagoons connected to Lake Tahoe. In January 2022, the Lahontan Regional Water Quality Control Board issued a permit allowing the first ever discharge of herbicides into Lake Tahoe's waters.

The Sierra Club and CSPA filed suit in El Dorado County Superior Court in June 2022 asking the Court to rule against the dangerous precedent set by the Board's permit. The judge agreed with the Sierra Club and CSPA and vacated the permit to use herbicides in the Tahoe Keys. Jason Flanders and Kenya Rothstein of the Aqua Terra Aeris Law Group represented the Sierra Club and CSPA in this matter.

This [court ruling](#) released April 25, 2024 confirms that the Lahontan Board "abused its discretion in granting the exemption," and ordered the Board to "vacate and set aside its approval of the project and any and all approvals" during project implementation. The Court also ordered the Board to withdraw

its certification of the Final Environmental Impact Report (EIR), which the Court found deficient for not analyzing the reasonable possibility of repeated future applications of herbicides.

CSPA's Executive Director Chris Shutes said, "Lake Tahoe is no place to be experimenting with herbicides, especially when non-chemical options are available."

**Support CSPA's Initiative to Enforce Clean Water Laws
by Becoming a Member Today!**

[JOIN US](#)

[Read More](#)



Sacramento splittail showing spinal deformities traced to exposure to selenium, Photo: USGS Public Domain

CSPA Urges Regulators to Control Toxic Pollution from Selenium

In an April 1, 2024 letter to three water boards, CSPA and allies urged regulators to control recently measured excess levels of selenium in Mud Slough. Mud Slough drains selenium-impaired land on the west side of the San Joaquin Valley into the San Joaquin River and ultimately San Francisco Bay. Selenium is known to cause reproductive failure, deformities, and death in fish and waterfowl.

"Our groups have spent over a decade at the water boards and in court trying to bring runoff from Mud Slough into compliance with water quality standards,"

said Chris Shutes, Executive Director of CSPA. “Past selenium discharges accumulated in downstream waters, impacting fish and causing deformities. The water boards need to act to protect fish and wildlife from this toxic pollutant.”

[Read More](#)

Newsom's 2023 California Water Plan: Supplying Imaginary Water to Meet an Insatiable Demand

On April 2, 2024, Governor Gavin Newsom [announced](#) the release of the 2023 update of the [California Water Plan](#) (Water Plan). Governor Newsom announced the Water Plan at a press conference held at Phillips Station in the high Sierra, just after this year’s snowpack was measured there at 113 percent of average.

At the press conference, Governor Newsom stated that the Water Plan contains a new strategy to help California adapt to future cycles of extreme drought and extreme precipitation. At the core of this strategy is the plan to build Sites Reservoir for more storage and the Delta tunnel for more conveyance. The Water Plan also supports the weakening of regulations that could be used to keep more water in rivers to protect public trust resources.

The update of the Water Plan offers no reckoning with the fact that the state constantly promises and delivers more water than falls from the sky or is left in the ground. Rather, the Water Plan outlines a strategy that will continue the same overallocation of the state’s water resources that has led to the near collapse of ecosystems in the Bay-Delta, its tributaries, and beyond.

[Read More](#)



CSPA Supports State



CSPA Addresses

Board's Proposed Order to Set Aside Water Quality Certifications for Several Projects

On April 9, 2024, CSPA and other fishing and environmental advocacy groups submitted a response to the State Water Resources Control Board (State Board) supporting its recent decision to set aside water quality certifications for five hydroelectric projects. These projects are managed by Merced Irrigation District (Merced ID), Nevada Irrigation District (NID), Modesto Irrigation District (MID), and Turlock Irrigation District (TID).

The State Board proposed this order in response to the United States Environmental Protection Agency's (USEPA's) issuance of the final Clean Water Act, Section 401 Water Quality Certification Improvement Rule that took effect in November 2023.

The USEPA's 2023 Rule prevents the State Board and other certifying authorities from issuing water quality certifications in the absence of a pending request for certification.

When the State Board issued water quality certifications for projects managed by Merced ID, NID, MID and TID, those projects did not have pending requests for certification.

For far too long, Merced ID, NID, MID and TID, and other operators of hydroelectric projects have sought to exploit ambiguities in the regulatory process in order to delay or avoid meeting their responsibilities under Clean Water Act Section 401. These entities have challenged the state's authority under Section 401 and have tied up water quality certifications in lengthy court battles.

CSPA and allies further urged the State Board to request that the Federal Energy Regulatory Commission compel the licensees in

State Water Resources Control Board on Voluntary Agreements

On April 24, 2024, CSPA's Chris Shutes participated during the first day of the State Water Resources Control Board's three-day workshop on the proposed Voluntary Agreements.

The proposed Voluntary Agreements were devised by a consortium of water users without the participation of stakeholders, public interest groups, and Native Tribes. The creators of the Voluntary Agreements are trying to use physical habitat improvements to buy their way out of providing adequate flows in the Bay-Delta estuary and the rivers that run into it.

CSPA presented on the issue of the flow accounting in the proposed Voluntary Agreements. Shutes lamented the poor state that California's fisheries are in today due to inadequate flows in the Delta and its tributaries. Shutes detailed the complexity of the flow accounting for the proposed Voluntary Agreements compared to the more simple approach of setting an required percentage of unimpaired flow. Shutes also stated that the proposed Voluntary Agreements do not specifically state how much water will actually make it into the Delta.

Shutes concluded by saying, "I think we need something that's more definitive. We've had an awful long time to look at what we're going to do to fix the problems in the Delta. I think we need to give it our best shot today."

CSPA will continue to campaign for clear and enforceable flow requirements for the Delta by participating in the update to the Bay-Delta Plan. CSPA also works toward

question to request water quality certification for the projects at issue within 30 days.

securing better flow conditions in tributaries through its campaign to leverage hydropower relicensing.

[Read More](#)

[Listen](#)

Photo: Chicago Park Powerhouse, Bear River, Yuba-Bear Hydroelectric Project, By State Water Resources Control Board, Public Domain

Photo: Chris Shutes Addressing the State Water Resources Control Board on Wednesday April 24, 2024



Celebrating the Life and Achievements of Bill Jennings

On Sunday April, 7, 2024, friends of Bill Jennings gathered by the Mokelumne River to remember and celebrate his life and achievements. The following is an excerpt of the eulogy for Bill.

"After he became Executive Director of CSPA in 2005, Bill built CSPA into a powerful statewide advocate for fisheries, abundant water in rivers and estuaries, and clean water. He was tireless. I think he had a degree from the University of Tennessee in something, but I have no idea what. It didn't matter. Bill was widely read and, for what he spent the last half of his life doing, almost completely self-taught. Learning by doing, he figured out how different parts of the regulatory world of water work. He saw how to adapt lessons on one issue and deploy them on another issue. And another. And another. He was relentless."

[Read More](#)

**Follow Us On
Social Media**



[Donate](#)

[Become a Member](#)

[Visit CSPA's Website](#)

[Visit Fisheries Blog](#)



California Sportfishing Protection Alliance | PO Box 1061, Groveland, CA 95321

[Unsubscribe denisezitnik@gmail.com](mailto:denisezitnik@gmail.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by sarah@calsport.org powered by



Try email marketing for free today!