

December 4, 2018

Felicia Marcus, Chair
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Framework for Updating the Bay-Delta Water Quality Control Plan

Dear Chair Marcus and Members of the Board,

We are writing to urge the State Water Resources Control Board (Board) to propose and adopt, at the earliest possible date, water quality objectives for Sacramento River inflows to the Sacramento-San Joaquin Delta, in-Delta channel flows, total inflow to San Francisco Bay, and other objectives in the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (i.e., the Sacramento/Delta portion of the Bay-Delta Plan update) that are protective of the wildlife, communities, and economies that depend on a healthy San Francisco Bay estuary. These objectives constitute the most critical set of protections for the San Francisco Bay estuary ecosystem that exist. However, the Board's proposed framework for updating these provisions of the Plan will not ensure adequate protection to the fisheries, wildlife populations, and human communities that rely on a healthy and productive Bay estuary.

The ecosystems of the Bay estuary and the rivers that feed it are in crisis. Many of the estuary's six endangered fish species are at or near record low population levels; commercial and recreational fisheries have been closed or severely curtailed, with devastating impacts on fishing communities throughout the state; orca whales off our coast are starving because of collapsing Chinook Salmon populations; and toxic algal blooms are becoming more frequent and severe. The signals could not be more clear: California's protections for the San Francisco Bay estuary and its watershed are grossly inadequate.

Yet the July 2018 Framework for the Sacramento/Delta portion of the Bay-Delta Plan update suggests that the Board may be proceeding down a path that would fail to protect fish and wildlife beneficial uses of the Sacramento River and its tributaries, the Delta, San Francisco Bay, and associated ecosystems.

The Board's own scientific analysis demonstrates overwhelmingly that Bay inflow is critical to the health of estuarine species and habitats, and that 75% of unimpaired Sacramento River inflow is necessary to fully protect public trust resources. However, the July 2018 Framework proposes to require that only 55% of Sacramento River runoff reach and flow through the Delta to the Bay. Further, because the Board is also proposing to require that only 40% of the unimpaired runoff from three San Joaquin tributaries flow into the Delta, total Bay inflow required during the February–June period will be around 51% of unimpaired runoff. This is not much different than the percentage of unimpaired Central Valley runoff that currently reaches the Bay during the winter and spring months, and is far from the Board's previous finding that three-quarters of Central Valley runoff must reach the Bay in order to protect public trust

resources. The Board should consider higher, more protective Bay inflow requirements to reverse the current crisis and restore the estuary ecosystem.

Additionally, the July 2018 Framework proposes to make annual decisions regarding the amount and timing of flows through an undefined adaptive management process; we believe that in order to avoid conflict and stagnation, the Board must establish a well-defined adaptive management process, which incorporates broad representation from stakeholders and appropriate technical expertise. The July 2018 Framework also lacks rules for adjusting flows during extended drought periods, despite the fact that these conditions have occurred regularly in the past and are certain to reoccur in the future. The Board's track record of waiving Water Quality Control Plan requirements during drought periods is the opposite of proactive planning for drought and has had catastrophic results for many fish and wildlife species. To correct these problems, we urge the Board to ensure that any adaptive management component in the Sacramento/Delta Update of the Bay-Delta Plan is based on a scientifically credible and transparent process explicitly designed to better achieve clear, measurable, and pre-determined targets for restoring and maintaining fish and wildlife beneficial uses, fully informed by the perspective of scientific experts and public trust users, and anticipating droughts and other foreseeable events.

The fish and wildlife beneficial uses of the Bay estuary are highly degraded, some species are at risk of extinction, and impaired water quality has the potential to seriously impact public health. The Board has the authority and responsibility to change this unacceptable situation and set requirements that provide the freshwater flows and other water quality needs that will restore healthy riverine, estuarine, and nearshore marine ecosystems, as well as the coastal and inland communities that depend on these ecosystems. We urge the Board to act now to revise its proposed approach to the Sacramento/Delta Update of the Bay-Delta Plan to ensure that the many public benefits of the San Francisco Bay estuary and its watershed are protected for future generations.

Sincerely,

Sudhanshu Jain, President
Acterra: Action for a Healthy Planet

Jeff Miller, Director
Alameda Creek Alliance

Stephen Green, President
American River Association

Susan Jordan, Executive Director
California Coastal Protection Network

Lloyd Carter, President
California Save Our Streams Council

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

Roger Mammon, President
California Striped Bass Association

Patrick Samuel, Bay Area Program Manager
California Trout

Carolee Krieger, Executive Director
California Water Impact Network

Ryan Henson, Policy Director
California Wilderness Coalition

Jeff Miller, Conservation Advocate
Center for Biological Diversity

Trish Mulvey, Co-founder
CLEAN South Bay

Bill Wells, Executive Director
Delta Chamber of Commerce & Visitor's Center

Grant Wilson, Directing Attorney
Earth Law Center

Amber Jamieson, Conservation Advocate
Environmental Protection Information Center

Lowell Ashbaugh, Conservation Chair
Fly Fishers of Davis

Adam Scow, California Director
Food & Water Watch

Susan Schwartz, President
Friends of Five Creeks

Eric Wesselman, Executive Director
Friends of the River

Erik Young, President
Golden Gate Trout Unlimited

Alex VonFeldt, Executive Director
Grassroots Ecology

Robert Abraham, President
Grizzly Peak Fly Fishers

Kimberly Warmsley, Founder
Kimberly Warmsley Therapeutic & Trauma
Services

Dillon Delvo, Executive Director
Little Manila Foundation

Karen Schambach, President
Center for Sierra Nevada Conservation

Rachel Zwillinger, Water Policy Advisor
Defenders of Wildlife

Ron Forbes, Conservation Chair
Delta Fly Fishers

Dan Silver, Director
Endangered Habitats League

Crystal Sanders, Director
Fish Revolution

Chuck Hammerstand, Conservation
Committee Member
Flycasters of San Jose

Amanda Nelson, Executive Director
Foothill Conservancy

Richard Kauffman, Board President
Friends of Sausal Creek

Mitch Avalon, Board President
Friends of the San Francisco Estuary

Cindy Charles, Conservation Chairperson
Golden West Women Flyfishers

Laura Allen, Founding Member
Greywater Action

Noah Oppenheim, Director
Institute for Fisheries Resources

Caryn Mandelbaum, Water Program Director
Leonardo DiCaprio Foundation

Bruce Reznik, Executive Director
Los Angeles Waterkeeper

Susan Kirks, President
Madrone Audubon Society

Linda Novy, President
Marin Conservation League

Steve Shimek, Executive Director
Monterey Coastkeeper/Otter Project

Justin Bubenik, Conservation Chair
Pasadena Casting Club

Tim Woodall, Board Chairman
Protect American River Canyons

Michael Warburton, Executive Director
Public Trust Alliance

Don McEnhill, Executive Director
Russian Riverkeeper

Preston Brown, Watershed Conservation
Director
Salmon Protection and Watershed Network

Ariel Cherbowsky Corkidi, Program Director
San Bruno Mountain Watch

Ben Eichenberg, Staff Attorney
San Francisco Baykeeper

Matt Ryan, President
San Francisco Herring Association

Nicholas Hatten, Executive Director
San Joaquin County Pride Center

Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Audubon Society

Barbara Salzman, President
Marin Audubon Society

Michael Martin, Director
Merced River Conservation Committee

Doug Obegi, Senior Attorney
Natural Resources Defense Council

Jonas Minton, Senior Water Policy Advisor
Planning and Conservation League

John Hooper, Co-founder
Protect Our Water

Barbara Barrigan-Parrilla, Executive Director
Restore the Delta

Trygve Sletteland, Founding Executive
Director
Sacramento River Council

Crystal Sanders, Boardmember
Salmon AID Foundation

Matt O'Malley, Executive Director
San Diego Coastkeeper

Larry Collins, President
San Francisco Crab Boat Owners
Association

Kristina Pappas, President
San Francisco League of Conservation
Voters

Ashleigh Evans, Chair
San Mateo County Democracy for America

Joseph Bogaard, Executive Director
Save Our Wild Salmon

Ara Marderosian, Executive Director
Sequoia Forestkeeper

Steve Holmes, Executive Director
South Bay Clean Creeks Coalition

Miranda Vogt, President
Students for a Sustainable Stanford

Margot Cunningham, Head
Tending the Ancient Shoreline Hill

Jasmine Leek, Executive Director
Third City Coalition

Allison Boucher, Project Manager
Tuolumne River Conservancy, Inc.

Mariah Looney, President
Vox Pop Foundation

Gary Mulcahy, Government Liaison
Winnemen Wintu Tribe

Kathryn Phillips, Director
Sierra Club California

Conner Everts, Executive Director
Southern California Watershed Alliance

Melinda Booth, Executive Director
South Yuba River Citizens League

Gary Bobker, Program Director
The Bay Institute

Donna Olsen, Founder
Tri-City Ecology Center

Peter Drekmeier, Policy Director
Tuolumne River Trust

Elizabeth Dougherty, Executive Director
Wholly H2O

Melinda Booth, Riverkeeper
Yuba River Waterkeeper