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,

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Jeff Miller, Director
Alameda Creek Alliance

Stephen Green, President
American River Association

Susan Jordan, Executive Director
California Coastal Protection Network

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