

1 [Urging the San Francisco Public Utilities Commission to Pause Litigation Against the State  
Water Resources Control Board]

2

3 **Resolution urging the San Francisco Public Utilities Commission to pause its litigation**  
4 **against the California State Water Resources Control Board and instead heed the**  
5 **beneficial input of a diverse and inclusive group of stakeholders, including subject**  
6 **matter experts in environmental protection, habitat restoration, and the diversification**  
7 **of water supplies based on credible science.**

8

9 WHEREAS, The San Francisco Bay/Sacramento-San Joaquin River Delta Estuary (the  
10 “Bay-Delta Estuary”) is critical to the natural environment and economy of the State of  
11 California, providing drinking water to two-thirds of the State’s population, supplying some of  
12 the State’s most productive agricultural areas, and constituting one of the largest ecosystems  
13 for fish and wildlife habitats and production in the United States; and

14 WHEREAS, The Tuolumne River, which flows into the Bay Delta Estuary, is the  
15 primary water source for more than 2.7 million people in the Bay Area via the San Francisco  
16 Public Utilities Commission (SFPUC); and

17 WHEREAS, In 2018, the San Francisco Board of Supervisors unanimously passed a  
18 Resolution urging the State Water Resources Control Board (the “State Water Board”) to act  
19 to adopt its proposed update to the 2006 Water Quality Control Plan to, among other things,  
20 require 40% unimpaired flows from each of the Stanislaus, Tuolomne, and Merced Rivers  
21 during the months of February through June “in order to maintain inflow conditions ...  
22 sufficient to support and maintain the natural production of viable native San Joaquin River  
23 watershed populations, including maintenance of flows that more closely mimic the natural  
24 hydrographic conditions to which native fish species are adapted”; and

25

1           WHEREAS, In December 2018, through State Water Board Resolution 2018-0059, the  
2 State Water Board amended the Water Quality Control Plan for the San Francisco  
3 Bay/Sacramento-San Joaquin Delta Estuary (the “Bay-Delta Plan”), and on February 25,  
4 2019, the Office of Administrative Law approved the Bay-Delta Plan amendments, which are  
5 now in effect; and

6           WHEREAS, The amended Bay-Delta Plan provided for additional flexibility through  
7 “adaptive management” which optimizes flows to achieve environmental objectives and to  
8 encourage voluntary agreements, including commitments to meet flow requirements and  
9 undertake non-flow actions; and

10           WHEREAS, In the years leading up the State Water Board’s action, up to 90% of flows  
11 had been diverted from the San Joaquin River, causing salmon populations to plummet from  
12 approximately 70,000 Chinook salmon in 1984 to just 8,000 in 2014; and

13           WHEREAS, The National Wildlife Federation classifies Chinook salmon as an  
14 important keystone species of the region, a vital food source for a diversity of wildlife including  
15 orcas, bears, seals and large birds of prey, and a proverbial “canary in the coalmine” relative  
16 to the impact of climate change on the health of regional ecosystems; and

17           WHEREAS, Since the State Water Board, the Bay Delta Plan calling for 40% natural  
18 flows, allowing 60% to go to cities and farms, has not been enforced, as San Francisco and  
19 other irrigation districts have sought to undermine the State Water Board’s 2018 Update to the  
20 Bay-Delta Plan, and as a result the Bay-Delta Estuary has continued down a path toward  
21 complete ecological collapse; and

22           WHEREAS, Despite the unanimously-adopted position of the San Francisco Board of  
23 Supervisors, last week the San Francisco Public Utilities Commission unilaterally proceeded  
24 with renewed litigation in the Superior Court of the State of California, County of Tuolumne,  
25

1 against the California State Water Resources Control Board, which threatens to further divide  
2 parties and impair implementation of the 2018 Update to the Bay-Delta Plan; and

3 WHEREAS, Despite the magnitude and complexity of the issues involved, the San  
4 Francisco Public Utilities Commission proceeded with litigation without holding a single public  
5 hearing on the underlying issues and without notice to legislative policymakers who had  
6 recently and formally weighed in on said issues; and

7 WHEREAS, The SFPUC's recent action coincides with ongoing revelations in a public  
8 corruption scandal that have resulted in the resignation of and federal charges against the  
9 General Manager of the SFPUC, leaving the SFPUC with interim leadership; now, therefore,  
10 be it

11 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
12 reiterates its support for the 2018 Update to the Bay-Delta Plan and calls on the San  
13 Francisco Public Utilities Commission to pause its litigation against the State of California and  
14 the State Water Resources Board to allow for deliberate public engagement on the underlying  
15 issues and negotiation among the interested parties.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25