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

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

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

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

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

**Name of Supervisor/Committee/Department**
BOARD OF SUPERVISORS
WHEREAS, In December 2018, through State Water Board Resolution 2018-0059, the State Water Board amended the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the “Bay-Delta Plan”), and on February 25, 2019, the Office of Administrative Law approved the Bay-Delta Plan amendments, which are now in effect; and

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

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

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

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

WHEREAS, Despite the unanimously-adopted position of the San Francisco Board of Supervisors, last week the San Francisco Public Utilities Commission unilaterally proceeded with renewed litigation in the Superior Court of the State of California, County of Tuolomne,
against the California State Water Resources Control Board, which threatens to further divide
parties and impair implementation of the 2018 Update to the Bay-Delta Plan; and

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

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

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