



by email to karla.nemeth@water.ca.gov

May 6, 2022

Karla Nemeth, Director
Department of Water Resources

Dear Karla,

Thank you for your invitation to join the workshops to finalize the governance and decision-making process for implementation of the Voluntary Agreement (VA) program. As you are aware, our groups have long raised concerns about the exclusionary process that delivered both the original and the 2022 versions of the Voluntary Agreements. Environmental, fishing, Native American, disadvantaged community, and Delta interests were unilaterally excluded from the VA negotiations over the last few years, and the state negotiated only with water districts. Not surprisingly, the VA that has emerged as a result rejected the overwhelming weight of scientific evidence which shows that large-scale flow augmentation must be a core element of updated Bay-Delta protections, both on its own merits and as a critical component of actions to improve water quality and restore habitat.

We have also consistently advocated that an adequate VA must be built upon a clear, transparent scientifically grounded process, and include measurable biological and ecological restoration targets. Additionally, there is a need for an enforceable regulatory framework to protect and restore endangered aquatic species and public trust fisheries, and a clear role for the State Board as a backstop for any VA agreement. Finalizing the governance and decision-making process for a proposal that is measurably deficient would put NGOs – or any other interest groups asked to participate at this juncture – in a very difficult position. In effect, you are asking us to validate a package of flow, habitat, and funding elements which we see as insufficient to achieve intended outcomes.

Consequently, we have reached a decision that our involvement in a governance forum at this juncture would not meaningfully lead to improving the terms of the proposed VA. We intend to focus our efforts on securing the timely completion of a science-driven update to the Bay-Delta Water Quality Control Plan that can provide adequate and assured protections that prevent fish

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and wildlife beneficial uses of water from being degraded and extinguished. We look forward to working with the state to that end.

Sincerely,



Gary Bobker
The Bay Institute



Jon Rosenfield
San Francisco Baykeeper



Pamela Flick
Defenders of Wildlife



John McManus
Golden State Salmon Association

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